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THE

LAWS OF WISCONSIN

PASSED AT THE

ANNUAL SESSION OF THE LEGISLATURE OF 1882.

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

PUBLISHED BY AUTHORITY.

MADISON, WIS.:
DAVID ATWOOD, STATE PRINTER.
1882.

LAWS OF WISCONSIN.

[No. 1, S.] [Published January 27, 1882.]

CHAPTER 1.

AN ACT to amend sections 2010, 2011 and 2012 of the revised statutes, relating to mutual loan and building societies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2010 of the revised statutes is hereby amended by inserting after the word "of," in the third line of said section, the words: "Not less than twenty-five nor more than," so that said section shall read as follows: Section 2010. The capital stock of any such corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of not less than twenty-five, nor more than two hundred dollars each. If any such corporation, heretofore or hereafter organized, shall have a capital stock less than the sum of five hundred thousand dollars, it may, in the manner prescribed in section one thousand seven hundred and seventy-four, increase its capital stock to any amount not exceeding the limit hereinfore fixed. But the resolution proposing such increase must be offered at the regular meeting next preceding the meeting at which the same shall be voted upon; payments for such stock shall be made in installments not exceeding two dollars each, on each share, at such time and place as the by-laws shall prescribe; and every share of stock shall be subject to a lien for the unpaid installments and other charges incurred thereon. The by-laws shall prescribe the form and manner of enforcing such lien. The stock may be issued in one or more successive series, in such amount as the board of directors or the stockholders may determine, and new shares of stock may be issued in lieu of shares withdrawn or forfeited. Any stockholder wishing to withdraw from the corporation may do so by giving thirty days' notice of such intention, and shall then be entitled to receive the amount paid in by him and such proportion of the profits as the by-laws may prescribe, less all fines and other charges due such corporation;

Amendment.

Capital stock.

Installments, how paid.

How stock is issued.

How stockholders may withdraw.

but no stockholder whose stock is held in pledge for security shall be allowed to withdraw; and at no time shall more than one-half of the funds then in the treasury be applicable to the demands of withdrawing stockholders without the consent of the board of directors. Upon the death of a stockholder, his legal representatives shall be entitled to receive the full amount paid in by him and legal interest thereon, first deducting all charges that may be due on the stock; but no fines shall be charged to a deceased member's account after his decease, unless his legal representative shall have assumed the future payments on the stock.

By-laws to provide for ratio and manner of voting.

SECTION 2. Section 2011 of the revised statutes is hereby amended to read as follows: The by-laws of every such corporation shall provide for the ratio and manner of voting by its members, and fix the time of holding periodical meetings at which the money in the treasury shall be offered for loan in open meeting and the stockholder who shall bid the highest premium for the loan shall be entitled to a loan of at least the full amount of a share for each share of stock held by him, but not exceeding the sum then in the treasury and offered for loan, upon giving good and ample security upon property situate in the county where such corporation is located, or such other ample security as the board of directors may accept, for the repayment of the loan; provided that a stockholder may borrow such fractional part of the full amount of a share as the by-laws may prescribe. In case the borrower shall neglect to offer security or shall offer security that is not approved by the board of directors, within the time prescribed by the by-laws, he shall be charged with one month's interest, together with any expense incurred, and the money shall be reloaned at the next periodical meeting. The premium bid by a borrower may be by a certain sum or percentage on the loan, to be deducted in advance from the loan, or may be by certain periodical payments during the existence of such loan, as the by-laws may prescribe. In case of the non-payment of installments on shares, interest or premium by borrowing stockholders for the space of six months after due, payment of the whole principal and interest, without deduction of any premium paid, or interest thereon, may be enforced by proceedings on their securities according to law.

How loans enforced.

Amendment.

SECTION 3. Section 2012 of the revised statutes is hereby amended by inserting after the word "shall,"

where it occurs in the third line of said section, the words "in all cases where such premium was deducted from the loan in advance," so that said section shall read as follows: Section 2012. A borrower may repay a loan at any time, and in case of repayment thereof before the expiration of the term for which the loan was made, there shall, in all cases where such premium was deducted from the loan in advance, be refunded to such borrower such proportion of the premium paid as the part of the term unexpired bears to the whole term of the loan; and when a loan is collected by process of law, and the amount collected by the corporation exceeds the amount of the loan taken by the borrower, with the interest and charges, the money shall be reloaned at the next periodical meeting, and the excess recovered beyond the amount required to pay the loan, with interest and charges, shall be returned to the borrower from whom the money was collected, or his legal representatives; but in case the corporation shall have issued its stock in series, such reloan shall be made only to stockholders of the same series, and if the premium received for the reloan shall be greater than that originally given by the defaulting borrower, no part of such excess of premium shall be paid to him. Any defaulting borrower may, at any time after the securities given by him have been collected by such corporation, withdraw his stock upon the same terms prescribed in section two thousand and ten, but the corporation may retain out of the moneys due upon such withdrawal so much as may be requisite to save it from loss, in case the amount so collected shall not be sufficient to pay his loan with interest and charges.

Borrowers may repay at any time.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved January 26, 1882.

[No. 2, A.] [Published January 27, 1882.]

CHAPTER 2.

AN ACT to amend chapter one hundred and eighty-nine, of the private and local laws of 1871, entitled an act to incorporate the Mutual Insurance Company of the Order of Hermann's Sons of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section six (6) of chapter one hundred and eighty-nine (189) of the private and local laws of

Amendment.

1871, entitled "An act to incorporate the Mutual Insurance Company of the order of Hermann's Sons of Wisconsin," is hereby amended so as to read as follows: Section 6. (a) In the meetings of said corporation, each lodge of the order of Hermann's Sons in Wisconsin, of fifty members, or less, shall be entitled to one representative, and one further representative for every additional fifty members, or a majority thereof. (b) Representatives of lodges only shall be entitled to vote at the meetings of said corporation. (c) Each member of the order in this state, in good standing, shall be eligible to the office of representative and be entitled to vote for representatives. (d) Each representative shall have but one vote, but in case of the absence of one or more representatives of a lodge at any meeting of said corporation, the representatives of such lodge present at such meeting shall have the right to cast the whole number of votes to which such lodge would be entitled if all its representatives were present. (e) A representative shall act for, and represent only the lodge to which he belongs. (f) The representatives shall meet once in each year on the day preceding the annual meeting of the Grand Lodge of said Order in Wisconsin, and at the same place. At such meetings of the representatives, a board of directors shall be elected out of the members of said corporation in good standing, consisting of a president, vice president, secretary, treasurer and a finance committee of three. (g) The officers shall be elected for the term of one year, and shall hold their respective offices until their successors are elected and qualified, Every member of said corporation in good standing shall be eligible to office. (h) The board of directors shall meet at least once every quarter and examine the books of said corporation, and shall report to the Grand Lodge the result of their examination. All reports of said corporation shall be submitted to the Grand Lodge. (i) No law of said corporation shall have any force or effect until the same shall have been submitted to the Grand Lodge of Wisconsin, and been examined and approved by said Grand Lodge at an annual meeting thereof.

Number of representatives lodges are entitled to.

Relating to the election of representative.

When board of directors shall meet.

Laws of corporation must be submitted to grand lodge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved January 26, 1882.

[No. 9, A]. [Published January 28, 1882].

CHAPTER 3.

AN ACT fixing the terms of court in the Tenth Judicial Circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The general terms of the circuit court for the tenth judicial circuit, shall be held as follows: In the county of Shawano, on Tuesday after the second Monday in January, and Tuesday after the first Monday in July. In the county of Door, on Tuesday after the third Monday in February, and Tuesday after the third Monday in July. In the county of Marinette, on the second Monday in March, and the second Monday in November. In the county of Langlade, on the last Monday in March, and Tuesday after the first Monday in September. In the county of Brown, on the first Monday in April, and the first Monday in October. In the county of Oconto, on the third Monday in May, and the third Monday in September. In the county of Outagamie, on the first Monday in June, and the first Monday in December.

Times and places for holding courts fixed.

SECTION 2. Every general term in the counties of Marinette, Oconto, Brown and Outagamie, shall be a special term for the whole judicial circuit, at which any and all business may be done arising or pending in any county of said circuit, which might be done at a general term for the county in which such business arises, or is pending, except the trial of issues of fact by a jury.

General term shall be special term for whole district.

SECTION 3. In the county of Brown, a special term for the whole circuit shall be held on the fourth Monday in January, at which any, and all business may be done arising or pending in any county of said circuit which might be done at a general term for the county in which such business arises, or is pending, not requiring the intervention of a jury.

Special term in county of Brown for whole district.

SECTION 4. All acts or parts of acts inconsistent with this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved January 27, 1882.

[No. 9, S] [Published February 2, 1882.]

CHAPTER 4.

AN ACT to appropriate the sums of money therein named for the payment of deficiencies at the state institutions and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amounts appropriated to make up deficiencies in state institutions.

SECTION 1. There is hereby appropriated, out of any money in the general fund not otherwise appropriated, the following sums of money to the institutions below named and for the purposes specified, to-wit: to the Wisconsin State Hospital for the Insane, the sum of twenty-three thousand dollars for the payment of liabilities on account of current expenses contracted prior to January 1, 1882; to the Northern Hospital for the Insane, the sum of twelve thousand dollars, for the payment of liabilities on account of current expenses contracted prior to January 1, 1882. To the Wisconsin Institution for the Education of the Deaf and Dumb, the sum of twelve thousand dollars for the payment of liabilities and for current expenses to March 1, 1882, and the sum of eight hundred dollars, to complete refrigerator. To the Wisconsin State Prison the sum of ten thousand dollars, for the payment of liabilities and current expenses to March 1, 1882.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1882.

[No. 65, A.] [Published February 10, 1882.]

CHAPTER 5.

AN ACT to appropriate money to pay legislative employes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Money for employes.

SECTION 1. There is hereby appropriated out of any moneys in the general fund not otherwise appropriated, a sum sufficient to pay the salaries of the extra employes of the legislature of 1882, who have been employed under resolution of either senate or assembly.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 9, 1882.

[No. 28, A.] [Published February 10, 1882.]

CHAPTER 6.

AN ACT to authorize the maintenance of the waters of "Potter's" lake, in the county of Walworth, to and at, their natural flow and level.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be, and it is hereby declared and made lawful, for the owners of land adjoining "Potter's" lake, in the county of Walworth, and state of Wisconsin, or any of such owners of lands, to restore the waters of said lake to the natural flow and line thereof, and for that purpose to fill any ditch or outlet which has been dug or deepened within twenty years last past, and by means of which said waters have been reduced below the natural flow and line. **To restore the waters of Potter's lake.**

SECTION 2. It shall be and is hereby declared unlawful for any person or party, by means of any ditch or ditches, or in any manner, or by any means, to drain said lake or lower the waters thereof below the natural flow and level.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 9, 1882.

[No. 67, A.] [Published February 11, 1882.]

CHAPTER 7.

AN ACT to authorize the board of education of Union school district, city and town of Ripon, Fond du Lac county, to borrow money and to provide for the levy of taxes to pay the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of education of Union school district of the city and town of Ripon are authorized and empowered and it shall be lawful and legal for them to affect a loan and borrow such sum or sums as may be necessary to finish and complete the high school building now erected in the city of Ripon, and to pay for the lot heretofore purchased by said district, to be used in connection with such high school building, to an amount not exceeding five thousand dollars; provided, that such loan or loans shall not extend or be for a longer time than three years from and after the publication of this act, nor be at a greater rate of interest than seven (7) per cent. per annum. **Can borrow money.** **Amount fixed.**

When to be collected by tax.

SECTION 2. The amount of said loan or loans, and the proper proportion thereof, shall, on or before the 20th day of November next, be reported and certified in the same manner as is now provided by sections 8 and 9 of chapter 98 of the laws of the state of Wisconsin for the year 1881, and the amount thereof to be raised in the city and town of Ripon, respectively, shall be raised and collected as the school taxes of the said Union school district are now collected by law. Provided, that the common council of the city of Ripon and the supervisors of the town of Ripon, respectively, may order and direct the collection of the whole or any part thereof in their next annual tax-roll, and the balance thereof in some subsequent tax-roll, as they may think fit, but provided further, that they shall levy and pay their respective shares of said indebtedness within three years after the publication of this act.

SECTION 3. All acts or parts of acts contravening the provisions of this act shall be held and construed as modified, changed, altered or repealed so far as may be necessary to give public force and effect to the act.

SECTION 4. This act shall take effect and be in full force from and after its approval and publication.

Approved February 9, 1882.

[No. 25, S.] [Published February 15, 1882.]

CHAPTER 8.

AN ACT to appropriate a sum of money to the persons therein named, for expenses as legislative visiting committees to state institutions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Expenses of visiting committee.

SECTION 1. There is hereby appropriated, out of any money in the general fund not otherwise appropriated, for expenses incurred as visiting committee from the legislature of 1882, to state institutions, the sum of three hundred dollars — to Edward B. Simpson, Andrew Haben and William S. Grubb, one hundred dollars to each.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1882.

[No. 31, S.] [Published February 15, 1882.]

CHAPTER 9.

AN ACT to amend section 2 of chapter 81 of the general laws of 1874, entitled "an act to provide for the election and government of directors of the Taylor Orphan Asylum in Racine county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 81 of the general laws of 1874 is hereby amended by adding thereto at the end thereof the following: Provided, that said corporation may pay to its treasurer compensation for his services not exceeding $600 per annum. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1882.

[No. 34, S.] [Published February 17, 1882.]

CHAPTER 10.

AN ACT to revoke, annul and resume the grant of lands made by chapter 126 of the laws of Wisconsin for the year 1874, to the Chicago & Northern Pacific Air Line Railway Company (now the Chicago, Portage and Superior Railway Company), and to repeal sections 8, 9 and 10 of said chapter 126, and to confer said grant of lands upon the Chicago, St. Paul, Minneapolis & Omaha Railway Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The grant of lands made to the Chicago & Northern Pacific Air Line Railway Company (now the Chicago, Portage & Superior Railway Company), by section 8 of chapter 126 of the laws of Wisconsin for the year 1874, entitled "an act to confer certain lands upon the North Wisconsin Railway Company, and the Chicago & Northern Pacific Air Line Railway Company, and to execute the trusts assumed by the state of Wisconsin by its acceptance of the grants of land made by congress by acts approved June 3, 1856, and May 5, 1864," is hereby revoked and annulled and said lands are hereby resumed by the state of Wisconsin. Land grant resumed by state of Wisconsin.

SECTION 2. There is hereby granted to the Chicago, St. Paul, Minneapolis & Omaha Railway Company all the right, title, and interest which the state of Wisconsin now has or may hereafter acquire in, and to the lands granted to said state by acts of congress approved June 3, 1856, and May 5, 1864, to aid in the construc- Granted to the Chicago, St. Paul, Minneapolis & Omaha R. R. Co.

tion of a railroad from the Saint Croix River or lake to the west end of Lake Superior and Bayfield, which are applicable, under said acts of congress, to the construction of that portion of said railroad from the Saint Croix river, or lake to the west end of Lake Superior, which lies between the point of intersection of said last named railroad by the Bayfield branch as fixed by the surveys and maps of said railroad and the branch on file in the general land office in Washington, and the west end of Lake Superior. This grant is upon the express condition that the said Chicago, St. Paul, Minneapolis & Omaha Railway Company shall continuously proceed with the construction of the railroad now in part constructed by it between said point of intersection and the west end of Lake Superior, and shall complete the same so as to admit of the running of trains thereover on or before the first day of December, A. D. 1882.

Governor to issue patents for every twenty miles of road built.

SECTION 3. The governor is hereby authorized and directed upon the presentation to him of satisfactory proof of the completion by said Chicago, St. Paul, Minneapolis & Omaha Railway Company of the first twenty miles of said railroad from said point of intersection toward the west end of Lake Superior in accordance with said acts of congress and this act, to issue and deliver, or cause to be issued and delivered to said company patents for all lands applicable under said acts of congress to said twenty miles of completed road, and thereafter, upon the completion by said company of any twenty continuous miles of its said railroad, he shall issue and deliver, or cause to be issued and delivered, patents for all of said lands so applicable to such twenty miles of completed railroad, and upon the completion of said railroad he shall issue and deliver, or cause to be issued and delivered, patents for the residue of the lands so hereby granted.

The railroad company agree to pay $75,000 and indemnify the state for feeding laborers.

SECTION 4. The said Chicago, St. Paul, Minneapolis & Omaha Railway Company shall, within three days from and after the passage of this act, pay to the governor, for the purposes, and to be disposed of as hereinafter, in this act, provided, the sum of seventy-eight thousand dollars; and give such security as the governor shall require to fully indemnify and save harmless the state against all liability and expenses incurred in feeding the laborers hereinafter mentioned, should the sum named in section 6 hereof prove inadequate for the purpose; and shall, within thirty days from and after the passage of this act, file with the

secretary of state a resolution certified by the president and secretary, under its corporate seal, to have been duly adopted by its board of directors, accepting the grant upon the terms and conditions herein contained; and shall, within said thirty days, give to the state of Wisconsin such security for the completion of said railroad between said point of intersection and said west end of Lake Superior, in accordance with said acts of congress and with this act as shall be required by the governor; and upon failure of said company to deposit said money, or to file said resolution, or to give such security within the times hereinbefore limited, this act shall be of no force or effect whatever.

Some suitable person to be appointed to investigate claims.

SECTION 5. It shall be the duty of the governor to appoint immediately upon the payment to him of the money in the preceding section mentioned, some suitable person, who shall forthwith investigate and ascertain the amounts honestly and actually due, and to whom due, for labor and supplies done and furnished prior to Jan. 20, 1882, in and about the grading and other work done by or under the auspices of said Chicago, Portage & Superior Railway Company, between said point of intersection and said west end of Lake Superior, and so much of said sum so to be paid to the governor as aforesaid as shall be necessary therefor, not exceeding, however, in all seventy-five thousand dollars, shall be disbursed, under the direction of the governor and with his approval, upon the report of his said agent, or otherwise, as he may be best advised, in the payment and settlement of said claims. In disbursing said money the bona fide claims of laborers shall be first paid and the amount which shall remain, if any, after payment of said claims of laborers, shall be applied to the payment of bona fide claims of subcontractors and material and supply men, in full, if sufficient remains therefor; otherwise shall be divided pro rata among them upon such basis as shall seem to the governor and his said agent just in the premises. All claims, so to be paid out of said fund hereunder, shall be presented to the governor within ninety days after the passage of this act or the same shall be barred from participation in said fund. Provided, however, that in no case shall the assignee of any labor claim, hereinbefore mentioned, be entitled to receive out of said fund more than the amount which the governor and his said agent shall be satisfied was actually paid, by said assignee, for the claim so assigned and presented by him; and, provided further, that in ascer-

taining the amounts due to subcontractors, as aforesaid, no claims for profits earned or prospective, on any subcontract, shall be considered or allowed; and, provided further, that nothing in this act contained or the payment of said money to the governor as aforesaid, shall be taken or deemed to be an admission by the said Chicago, St. Paul, Minneapolis and Omaha Railway Company of any liability whatever for the debts of said Chicago, Portage and Superior Railway Company, or of any person, or persons, corporation or corporations. Provided further, that the said money, so to be paid to the governor as aforesaid, shall not, while in his hands, be liable to garnishment, attachment or other legal process.

Said money not liable to garnishment or attachment.

Excess of money to be returned to company.

SECTION 6. The governor shall pay out of the moneys so to be paid to him in excess of said seventy-five thousand dollars, the compensation and expenses of said agent, and shall reimburse the state for all expenses incurred in the premises, and if after payment of said claims, as herein provided, and after payment of said expenses, there shall remain any surplus, he shall pay the same over to the said Chicago, St. Paul, Minneapolis & Omaha Railway Company.

Contravening sections repealed.

SECTION 7. Sections 8, 9 and 10 of said chapter 126 of the laws of 1874, and all acts and parts of acts in any manner contravening or conflicting with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved February 16, 1882.

[No. 33, S.] [Published February 17, 1882.]

CHAPTER 11.

AN ACT to amend section 671 of the revised statutes of 1878, as amended by chapter 190 of the laws of 1879, entitled of county government.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 671 of the revised statutes of 1878, as amended by chapter 190 of the laws of 1879, is hereby amended by adding at the end of said section 671, the following, to-wit: "provided, however, that the provisions of this section shall not apply to the formation of towns in counties having less than three organized towns.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1882.

[No. 38 A]. [Published February 23, 1882].

CHAPTER 12.

AN ACT to authorize the common council of the city of Milwaukee to appropriate to the assessors of the city of Milwaukee certain sums of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee is hereby authorized to audit, allow and pay, in the same manner that other accounts and claims against the city are audited, allowed and paid, to each of the assessors of the city of Milwaukee for the year 1881, such sums of money as will constitute the balance of salary of six hundred dollars, as provided for in the charter of the city of Milwaukee. Money appropriated.

SECTION 2. All sections or parts of sections, so far as they may be construed to conflict with the provisions of this act, are hereby repealed, as for the purposes of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1882.

[No. 13 S]. [Published February 23, 1882].

CHAPTER 13.

AN ACT to amend an act entitled an act to "incorporate the Peshtigo Lumbering and Manufacturing Company," approved October 11, 1856, and the amendments thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Said company is hereby authorized and empowered, and granted the exclusive right to construct, maintain and keep on the Peshtigo river, from its mouth up so far as said company owns the lands adjacent to said river, any and all piers and booms that said company may deem necessary for the purpose of holding, storing, assorting and dividing logs, timber, lumber, posts, ties, shingle bolts and other materials, or for any other purpose; provided, that said booms shall not unnecessarily obstruct or impede navigation upon said river, and shall be put in and maintained in a substantial manner. Authorized to construct booms and piers.

SECTION 2. The said company shall have the privilege and right of stopping, by, and with, said piers and booms, all logs, timber, lumber, posts, ties, shingle bolts and other materials that come down said river, To stop logs, etc.

for the purpose of dividing, separating, and putting them into side or pocket booms, according to their marks or ownership.

Compensation to be paid the company for use of boom.

SECTION 3. The said company shall be entitled to have and receive twenty-five (25) cents per thousand feet, board measure, according to Scribner's rule, upon all logs and timber; two (2) cents each upon all posts and ties; five (5) cents each for all telegraph poles, and fifty (50) cents per cord upon all shingle-bolts that it shall boom, divide and put into pockets or side booms, and the same shall become due and payable when said logs, timber, posts, ties, telegraph poles or shingle-bolts are placed in said pockets or side booms; and for the purpose of ascertaining the amount to be paid for such booming and dividing said logs, timber, post, ties, telegraph poles and bolts are to be scaled and counted at the lower dividing boom of said company, by a person or persons to be appointed and paid by said company for that purpose.

Lien upon logs, etc., for boomage.

SECTION 4. The said company shall have a lien upon any and all logs, lumber, posts, ties, telegraph poles and shingle-bolts, or other material, secured, stored or divided into said pockets or side booms, and upon the timber and shingles manufactured therefrom; and said lien shall take precedence of all other claims or liens thereon, excepting liens for labor on the same, any statute of this state to the contrary notwithstanding; and said company may enforce the collection thereof in the manner provided for the enforcement of laborer's liens, by chapter 143 of the revised statutes of 1878, as amended by chapter 330, laws of 1881, or by action against the owner or any person or persons exercising acts of ownership over the same, or the lumber or shingles manufactured therefrom.

Owners of logs, timber, etc., shall take same away after put into pockets.

SECTION 5 Owners of logs, timber, posts, ties, telegraph poles, shingle-bolts and other materials shall take them away as fast as they are divided and put into pockets, or side booms by said company, and any such owner or owners who shall fail or neglect to so remove such logs, timber, posts, ties, telegraph poles, shingle-bolts or other materials, shall be liable to said company and to any other person or persons for any and all damages it or they may sustain by reason of such logs, timber, posts, ties, telegraph poles, shingle-bolts or other materials not being taken away as herein required; and any such damage or damages shall be a lien upon such logs, timber, posts, ties, telegraph poles, shingle-bolts, or other materials, and the lumber or

shingles manufactured therefrom, and may be enforced in the manner provided in section four (4) of this act for enforcing the lien therein provided for, or recovered by personal action against the owners or those exercising acts of ownership over such property, and said company shall not be liable for any delay or delays caused by the failure of such owners to so remove such logs, timber, posts, ties, telegraph poles, shingle-bolts, or other materials, nor for delays caused thereby in the dividing and passing logs, timber and other materials through said piers and booms and out of said river; and all logs, timber, posts, ties, telegraph poles, shingle-bolts and other materials, while in storage in any of the booms of said company, shall be in the exclusive control, care, custody and charge (except as herein otherwise provided), and at the sole risk, liability and responsibility of the owner or owners thereof (except as provided in section 1 of this act).

Extra charge for additional labor.

SECTION 6. For all labor done upon, or in the care or disposition of any logs, timber, posts, ties, telegraph poles, shingle bolts or other materials by said company, after the same shall have been put into pockets or side booms, said company may make an extra and additional charge, not to exceed the reasonable value of such labor, and shall have the same lien therefor, and collect it in the same manner as the lien provided for in section four (4) of this act.

Penalty for destroying property of company.

SECTION 7. Any person or persons who shall willfully open, injure or destroy any of the piers, booms or other works of said company, shall be liable for the amount of damages done, to be by said company recovered in an action at law before any court of competent jurisdiction, in addition to the penalties now provided by law.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1882.

[No. 36, S.] [Published February 23, 1882.

CHAPTER 14.

AN ACT to amend chapter 123 of the laws of 1880, in relation to the distribution of the blue book,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section 1 of chapter 123 of the laws of 1880, entitled "an act to amend chapter 141 of the laws

Number of copies to be printed and how distributed.

of 1879," in relation to the distribution of the blue books, is hereby amended so as to read as follows: The secretary of state shall cause to be printed eight thousand copies of such blue book at each regular session of the Wisconsin legislature, to be distributed as follows: Fifty copies to each member of the senate and assembly, five copies each to the chief clerks and sergeants at-arms of the two houses, one copy to each of the clerks and employes of the two houses, whose names appear in the blue book; one copy to the clerk of each standing commitee; fifty copies each to the governor, secretary of state and superintendent of public instruction; twenty five copies each to the lieutenant governor, state treasurer, attorney general, and insurance and railroad commissioner; two copies each to the rest of the state officers in the capitol, and one to each of their assistants; one copy each to the state agricultural society, the state horticultural society, the state board of charties and reform, and to the academy of arts and science; one copy to the home office of the Wisconsin humane society, and one copy to each branch office of said society; one copy to each regent of the state university and normal schools; one copy to each of the college, academy free high school, normal school and free public libraries of the state, and to the state penal and charitable institutions; one copy each to the county clerks and superintendents of schools of the several counties in this state, and to the clerk of the supreme court of the United States courts for Wisconsin; one copy each to the reporters in regular attendance on on the legislature; one copy to each justice of the supreme court, to each judge of the United States courts sitting within this state, circuit judge and county judge, and sixty copies to the state historical society, and one copy to each member of the state board of health. The remainder shall be kept by the secretary of state, who shall deliver to the superintendent of public property, at the commencement of each session of the legislature, one hundred and thirty-seven copies, to be by him distributed to the members of the legislature, and to the chief clerks and sergeants-at-arms of each house, at the opening of the session; the remainder to be kept for exchange. One copy of such blue book for each justice of the supreme court, state officer and each member of the senate and assembly and the chief clerks thereof, shall be bound in half morocco and be lettered with the name of the person entitled to receive it. Each county clerk receiving

Remainder to be kept by secretary of state.

such blue book shall preserve and deliver the same to his successor in office, and it shall be for the use of all persons desiring to use the same in the office of said clerk. The expense for preparing and publishing such blue book, other than such as is covered by the contract with the state printer, shall be fixed by the secretary of state and paid out of the state treasury.

County clerks shall deliver same to their successors.

SECTION 2. The provisions of this act shall be construed to apply to the publication and distribution for the year of 1882.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1882.

[No. 84, S.] [Published February 24, 1882.]

CHAPTER 15.

AN ACT relating to the state board of supervision, and amendatory of chapter 298, laws of 1881, entitled "an act relating to the charitable, reformatory and penal institutions of Wisconsin, and to provide for the more efficient supervision and management thereof, and to repeal certain provisions of law relating thereto."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 14 of chapter 298 of the laws of 1881 is hereby amended so as to read as follows: Section 14. No accounts for purchases made shall be paid until the same shall have been audited by the board and an appropriation made therefor; and all such accounts when so audited and appropriated shall be paid by an order or warrant on the treasurer of the institution for which the same has been appropriated, signed by the secretary and by the president of the board; and stubs of all such orders or warrants issued shall be preserved in the office of the board. No money for any purpose shall be drawn from the treasurer except upon such order or warrant of the board, and in the manner in this section prescribed; provided, however, that said board, in its discretion, may draw upon the treasurer of each institution, each month, and deliver and charge to the steward a sum not exceeding one hundred dollars in any one month, which sum may be used by said steward for necessary and contingent expenditures not previously estimated; and all amounts so paid by the steward from said sum so drawn shall be reported to the board at its ensuing meeting, with the purposes for which the same was expended, and when

Amendment.

How money shall be drawn.

so reported and allowed by the board, the same shall be credited to the steward; *provided, further*, that the aggregate amount due and payable monthly to the officers and employes of either institution may be drawn from the treasurer of said institution, on the order of said board, monthly, in one sum, and made payable to the steward of said institution, who shall disburse the same in amounts corresponding with the respective amounts entered on the monthly pay roll previously approved by the board, filing full receipts for all amounts so paid.

Amendment. SECTION 2. Section 16 of chapter 298 of the laws of 1881 is hereby amended so as to read as follows: Section 16. All moneys or property paid or delivered to any officer or employe of either of said institutions for the benefit of any inmate thereof, shall be paid or transmitted to the steward of such institution, who shall enter the same upon the books of the institution to the credit of the person or persons for whose benefit the same was designed, and report the same to the board at its next regular meeting, and use and expend the same only under the direction and with the advice and approval of the superintendent or warden of such institution, for the benefit of the persons for whom the same was designed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1882.

[No. 2, S.] [Published February 24, 1882.]

CHAPTER 16.

AN ACT to amend an act entitled "an act to amend an act entitled 'an act to incorporae the Lawrence Institute of Wisconsin.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment. SECTION 1. Section two of "an act to amend an act entitled 'an act to incorporate the Lawrence Institute of Wisconsin,'" is hereby amended so as to read as follows: Section 2. The board provided by said act shall annually elect a president of the board, two vice presidents, a treasurer and secretary, instead of the officers provided by said act, and such officers when elected shall have all the powers usually given to such officers. Said board shall also appoint annually an executive committee of not less than five nor more than

nine, who shall hold their office until their successors are appointed, and who shall have power to execute all business of the corporaton committed to them by the by-laws of the institution, and who shall also be empowered to commence and carry on suits in the name of the trustees of the university, and no person shall be *ex-officio* a member of said executive committee.

SECTION 2. All parts of the act to which this is amendatory, conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved February 23, 1882.

[No. 210 A.] [Published February 24, 1882].

CHAPTER 17.

AN ACT to appropriate to the Unity Guards a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Unity Guards, of Unity, Wisconsin, the sum of three hundred dollars, as armory fund for the year 1881. Also the further sum of five dollars per man for each member of said company duly and regularly inspected at the annual inspection of said company, for the year 1880, as a clothing fund, the same being the amounts that would have been due said company had they been ordered into annual encampment and passed their annual inspection, which they were unable to do from the fact that their armory, uniforms, arms and accoutrements were destroyed by fire July 13, 1881. **To pay Unity Guards for loss of accoutrements.**

SECTION 2. The state treasurer is authorized to pay the sums aforesaid, upon the presentation to him of a certificate of the adjutant general, showing the number of men of said company inspected at said inspection of 1880.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1882.

[No. 84, A.] [Published February 25, 1882.]

CHAPTER 18.

AN ACT to grant the land necessary to increase the depot accommodations of the Northern Hospital for the Insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To enable railroad company to enlarge station accommodations.

SECTION 1. There is hereby granted to the Chicago & Northwestern Railway Company, to enable said company to enlarge its station accommodations at the railroad station in the vicinity of the Northern Hospital for the Insane, and in consideration of the increase of its depot facilities, according to the understanding heretofore had between said company and the state board of supervision of Wisconsin charitable, reformatory and penal institutions, the following described land, situate in the county of Winnebago, to wit: A strip of land of the uniform width of fifty feet lying on the easterly side of, parallel to and adjoining the land held by said railway company for its track and right of way, and extending from the intersection of the easterly line of said company's land so held for its right of way with the south line of the northeast quarter of section thirty-six (36), township nineteen (19) north, of range fifteen (15) east, a distance of 600 feet northerly from said point of intersection; *provided*, that the said land hereby granted shall be held by said company, its successors and assigns so long as it shall be used for railroad purposes and in connection with the operation of a railroad and no longer, and that upon the discontinuance of such use the said land hereby granted shall revert to the state of Wisconsin.

Governor shall execute a patent to said company.

SECTION 2. The governor shall execute a patent to said company, countersigned by the secretary of state and under the great seal, for the said land in the first section described, and containing the condition set forth in the proviso to said first section, and cause the same to be delivered to the said company in evidence of the grant hereby made.

Approved February 24, 1882.

[No. 11, A.] [Published February 25, 1882.]

CHAPTER 19.

AN ACT to authorize the Merchants and Mechanics' Savings Bank of the city of Janesville, Rock county, state of Wisconsin, to reduce its capital stock from one hundred thousand dollars to fifty thousand dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Merchants' and Mechanics' Savings Bank, located at the city of Janesville in the state of Wisconsin, is hereby authorized to reduce its capital stock from the sum of one hundred thousand dollars to the sum of fifty thousand dollars. To reduce the capitol stock.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1882.

[No. 92, A.] [Published February 25, 1882.]

CHAPTER 20.

AN ACT relating to the De Soto Union school district in the counties of Vernon and Crawford, and amendatory of section 2 of chapter 204, private and local laws, 1866.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 204, private and local laws of 1866, is hereby amended so that said section, when amended, shall read as follows: Section 2. The De Soto Union school district shall, when organized under the provisions of this act, be a body corporate, with perpetual succession, and shall possess all the powers, and receive all the benefits, and enjoy all the rights and privileges conferred by law on common school districts; and in addition thereto, the qualified voters of said Union school district, when lawfully assembled on the second Monday of July of each year, shall elect a district board consisting of three directors, one clerk and one treasurer, and at the annual meeting to be held on the second Monday of July, 1882, or at such other time as shall be determined by law for annual school meetings, shall elect three directors, one clerk and one treasurer. The directors to be chosen one for one year, one for two years, and one for three years, and thereafter each director shall be elected for three years. To incorporate the De Soto Union school.

Section 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1882.

[No. 132, A.] [Published February 27, 1882.]

CHAPTER 21.

AN ACT to incorporate the city of Baraboo.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

BOUNDARIES.

Boundaries.

SECTION 1. From and after the fourth Tuesday of March, A. D. 1882, the following described district of country, to wit: the west half of section 1 and all of section 2, in town 11, and sections 35 and 36, in town 12, all in range 6 east, in the town of Baraboo, in Sauk county, Wisconsin, shall be a city by the name of Baraboo, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of "The City of Baraboo," and shall have the general powers possessed by municipal corporations at common law and under the Revised Statutes, and in addition thereto shall have and possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing or being sued, pleading and being impleaded, in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure; provided, that the question of the adoption of this act as a charter of such city shall be submitted to the electors of such territory before such charter shall become operative. For the purpose of determining such question, the qualified electors residing in such territory shall meet on Monday, the sixth day of March, 1882, at 10 o'clock A. M. of that day, at such place as the inspectors of such election shall appoint, and vote by ballot upon such question. The president and any two trustees of the village of Baraboo are hereby appointed inspectors of such election, and the village clerk of Baraboo is appointed clerk thereof. Such inspectors shall give notice of such election by publishing notice thereof in one or more papers printed in the village of Baraboo, or by posting the same in two or more public places in each ward of the proposed city, at least six days before such election. Such notice shall specify time, place and object of such election; the time of opening and closing the polls. At such meeting the polls shall be opened at 10 o'clock A. M., and kept open until 5 o'clock P. M., when they

Question of incorporation to be determined.

shall be closed. In case of vacancy in the board of inspectors, the electors present shall choose *viva voce* from the qualified electors of such territory, inspectors to fill such vacancies. Such inspectors shall preside over and conduct such election, and all the laws of this state applicable to the election of town officers shall apply to all the proceedings thereat, so far as they are consistent with the provisions of this act. Every elector residing in such territory and qualified to vote for town officers in said town of Baraboo may vote at such meeting by a ballot having thereon the word "Yes," or the word "No," according as he shall be in favor of or opposed to the incorporation of the city under this act. If the majority of ballots cast at such election have thereon the word "No," this act shall be inoperative and void. If a majority of such ballots have thereon the word "Yes," this act shall be of full force and effect. The said inspectors shall make and certify returns of the result of such election, and file duplicates of the same in the office of the county clerk of the county of Sauk, and the town clerk of the town of Baraboo, and the village clerk of the village of Baraboo, and such returns shall be evidence of the facts therein stated, and the regularity of all proceedings in relation to such election.

Manner of conducting first election.

SECTION 2. The said city shall be divided into three wards as follows: The portion lying north of the Baraboo river and west of the centre line of Oak street shall constitute the first ward; the portion lying north of the Baraboo river and east of the center line of Oak street shall constitute the second ward; the portion lying south of the Baraboo river shall constitute the third ward.

CHAPTER II.

OF ELECTIONS.

SECTION 1. The annual election for city and ward officers shall be held on the second Tuesday of March in each year, at such place or places as the common council shall designate and provide; and the polls shall be kept open from nine o'clock A. M., until five o'clock P. M., but an adjournment may be made from twelve o'clock M. to one o'clock P. M., by notice thereof given at the opening of the polls. The city clerk shall give at least six days' notice of such election, stating time and place or places of holding the same, the officers to be elected thereat, and also of any special action to be taken or asked at such meeting, by causing the same to be printed in one or more papers published in said city

Annual election of officers.

of Baraboo, or by posting the same in two or more public places in each ward of said city; and the city clerk shall file copies of the papers containing such notice in his office.

Names of officers to be elected.

SECTION 2. The elective officers of said city shall be a mayor, treasurer, assessor, police justice, and one justice of the peace, one supervisor and three aldermen from each ward. All other necessary officers shall be appointed by the common council. The aldermen shall be legal voters and freeholders in said city of Baraboo; all other officers shall be voters and residents in said city. The mayor and treasurer shall hold their offices for one year; the police justice and justice of the peace shall hold their offices for two years; all officers elected or appointed shall hold their offices until their successors are elected or appointed and qualified, unless expelled or removed by the common council, as hereinafter provided. The mayor shall have power to suspend any police officer or watchman appointed by the council, for cause, until the council shall take up the case and dispose of it, which shall be done within twenty days after such suspension. The mayor may also fill any vacancy thus created for the time being, until such case be acted upon by the common council. Whenever the mayor shall suspend any officer or appoint one, as above provided, he shall immediately notify the common council of such suspension and appointment, with his reasons therefor.

Vacancies, how filled.

SECTION 3. Whenever a vacancy shall occur in the office of mayor or alderman of said city, such vacancy shall be filled by a special election, which shall be ordered by the common council within ten days after such vacancy shall occur. When a vacancy shall occur in the office of police justice, or justice of the peace, the common council may appoint temporarily a suitable person to such office, to hold until it shall be filled by election. Vacancies in all other offices shall be filled by the common council. The persons elected or appointed to fill any vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections to be by ballot.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall elect. In case of a tie vote, the election shall be determined by casting lots in presence of the common council, at such time and in such manner as they shall direct.

SECTION 5. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections; but this section shall not apply to the first city election to be held on the second Tuesday in March A. D., 1882, at which first election all persons residents of the territory within the city limits and who are qualified electors of this state, shall be entitled to vote for all elective city officers, and nothing herein shall be construed as relating to any general election, and no law of this state for the registration of voters shall apply to the elections under this act. Who are qualified electors.

SECTION 6. Any three members of the common council shall be inspectors of all city elections, and they shall appoint clerks thereof, and provide ballot boxes for the same, and each ballot voted thereat may have written or printed thereon the names of all persons voted for at any such election. Inspectors and ballots.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote shall be challenged by an elector, the inspectors before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age, and that you are a citizen of the United States (or have declared your intention to become a citizen conformably with the laws of the United States on the subject of naturalization); that you have resided within the state of Wisconsin one year; and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election," which oath any member of the board of inspectors is hereby authorized and empowered to administer; and if the person offering to vote shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof upon indictment or information shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or being duly qualified shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, which list shall be filed with the Challenging electors. Swearing in, etc. Duties of inspector.

city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of such election shall be the same as that provided by the statutes of this state for similar conduct at any general election. At the first city election held in March, 1882, the oath above mentioned shall be so modified as to meet the qualifications of voters at that election.

Counting the ballots.

SECTION 8. When the polls of an election shall be finally closed, the inspectors shall proceed to count and canvass the votes, and shall make a return of the number of votes cast in their election precinct for each and every office, and the number of votes cast for each and every person for each and every office, and shall deliver forthwith such return to the city clerk, and within one week after such election the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election. The clerk shall also notify the clerk of the circuit court of Sauk county of all elections of justices of the peace, and the appointment of city marshal, and shall notify the county clerk of the election of treasurer and assessor to represent said city in the county board of supervisors, and of the city assessor.

Special elections.

SECTION 9. Special elections to fill vacancies or for any other purpose shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be prescribed by the common council.

Officer elected neglecting to qualify shall be deemed to have vacated his office.

SECTION 10. Any officer removing from the city, or any alderman removing from the ward for which he was elected, or any officer who shall neglect or refuse, for one week after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Aldermen—terms of serving.

SECTION 11. At the first election held under this act, three aldermen shall be elected for each ward, one to serve one year, one to serve two years, and one to serve three years, to be determined by the words "for one year," after the name of one alderman voted for, "for two years," after the name of another, and "for three years," after the name of a third alderman voted for; and thereafter at each annual election one alderman from each ward shall be elected to serve for three years; and the first election under this act shall

be held at such place as shall be designated and provided by the president and trustees of the village of Baraboo, any three of which shall act as inspectors of such election, appoint clerks thereof, prescribe the manner of conducting such elections, and shall canvass and make returns of the result as provided by this act and the general laws of the state; and the village clerk of Baraboo shall give the notice thereof as required by this act; and all duties required by this act of the common council in regard to elections shall be performed, so far as may be necessary, by the said president and trustees of the village of Baraboo and the clerks appointed by them in regard to the first election and the organization of the city government under this act.

Village clerk to give notice.

SECTION 12. The votes for mayor and all elective officers shall be on one ballot, and votes for other than elective officers shall not be counted or canvassed in any manner whatever.

Votes to be on one ballot.

SECTION 13. The term of every officer elected under this act, except to fill a vacancy, shall commence the fourth Tuesday of March of the year for which and in which he was elected, and shall, unless herein otherwise provided, continue for one year and until his successor is elected and qualified.

Term of office.

SECTION 14. The first election of officers under the provisions of this act shall be held on the second Tuesday in March, A. D. 1882. The election of justices of the peace shall be held at the same time and place, and so every two years thereafter. The justices of the peace now residing within the territorial limits of said city of Baraboo shall hold their offices until their terms of office expire, in addition to the justices who may be elected under this act.

First election.

SECTION 15. Should there be a failure to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, six days' notice of the time and place of holding the election first being given.

Failure to elect.

CHAPTER III.

OFFICERS, POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constables

Bonds to be executed.

and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Baraboo a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum, and such conditions as the common council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two, nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities, or exemptions, and the aggregate of such amounts shall at least, exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except that their bonds shall be approved by the mayor of the city.

Mayor to preside over all meetings.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information, and recommend such measures, as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote in the council only in case of a tie. When the council shall be engaged in the election of any officer, the mayor shall have a vote the same as an alderman.

What shall be done at first meeting.

SECTION 3. At the first meeting of the common council after their election in each year, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the may-

or. In case both the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or the temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. The common council shall also, at their first annual meeting, or so soon thereafter as may be, appoint the following officers: city clerk, assessor, marshal, attorney, surveyor, one street commissioner, and other officers or agents necessary to the good government of the city, who shall hold their said offices for one year, unless removed as hereinafter provided. They shall at the same time fix the compensation or salary, and may prescribe the duties pertaining to the same.

Temporary presiding officers.

SECTION 4. The city clerk shall perform all the duties required by law to be performed by him. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall draw and countersign all orders on the city treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths, and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Duties of city clerk.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report;

Duties of treasurer.

and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Baraboo a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum, and such conditions as the common council may deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two, nor more than ten sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities, or exemptions, and the aggregate of such amounts shall at least, exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except that their bonds shall be approved by the mayor of the city.

Mayor to preside over all meetings.

SECTION 2. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information, and recommend such measures, as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote in the council only in case of a tie. When the council shall be engaged in the election of any officer, the mayor shall have a vote the same as an alderman.

What shall be done at first meeting.

SECTION 3. At the first meeting of the common council after their election in each year, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the may-

or. In case both the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or the temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. The common council shall also, at their first annual meeting, or so soon thereafter as may be, appoint the following officers: city clerk, assessor, marshal, attorney, surveyor, one street commissioner, and other officers or agents necessary to the good government of the city, who shall hold their said offices for one year, unless removed as hereinafter provided. They shall at the same time fix the compensation or salary, and may prescribe the duties pertaining to the same.

Temporary presiding officers.

SECTION 4. The city clerk shall perform all the duties required by law to be performed by him. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall draw and countersign all orders on the city treasurer, and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths, and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Duties of city clerk.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required and annually at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report;

Duties of treasurer.

and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers in towns. No person having been city treasurer for two years in succession shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office.

Duties of marshal.

SECTION 6. The marshal shall attend all the meetings of the common council, unless excused by the council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city; to apprehend, with or without warrant, any person in the act of committing any offence against any ordinance of said city, or laws of this state, and within reasonable time bring such person or persons before competent authority for examination; and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties; such deputies shall also take and subscribe the proper oath of office, which shall be filed with the city clerk, and when duly qualified as aforesaid, such deputies shall possess like powers and authority, and be subject to the same liabilities with the marshal.

Duties of surveyor.

SECTION 7. The city surveyor shall be a practical surveyor and engineer, and shall have a per diem compensation to be fixed by the common council. He shall keep his office at some convenient place in the city. He shall preserve and have open to the inspection of any person all surveys, profiles, plans or esti-

mates made by him for the city, and which, with all books or papers pertaining to his office, and minutes of surveys by him made, he shall turn over to his successor or the city clerk on the expiration of his term of office.

Duties of city attorney.

SECTION 8. The city attorney shall be a person duly admitted to practice in the courts of record conformable to the laws of this state.

SECTION 9. The duties of assessor shall be as prescribed by the general laws of the state except as modified by the provisions of this act.

Duties of street commissioner.

SECTION 10. It shall be the duty of the street commissioner, within five days after his appointment and qualification, to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts, and all bridges and approaches thereto, and all matters and things appertaining to the streets, and report to the common council, recommending what, in his opinion, is necessary and ought to be done thereto. On the receipt thereupon, the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance with the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done, and said council may act thereupon as they may deem fitting and proper, and said street commissioner may at other times make such other reports as the necessities of the case may require.

Further duties of street commissioner.

SECTION 11. It shall be the further duty of the street commissioner to employ men and procure utensils, implements, teams, materials, and whatever may be needful in performing such street and city work, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the council so to do, and shall keep an accurate account of all materials procured, and of all teams and utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be done, any and all other duties pertaining to his office

that may be prescribed from time to time by the common council.

Accounts to be paid out of general fund.

SECTION 12. All accounts against the city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the general fund, by orders drawn and issued by the common council. All such accounts for street purposes, except for work and hire, shall be duly verified, and when they arose or were created under the direction of said street commissioner, shall be certified by him to be true and corre t in all particulars. The common council may at its option let all or any of such street work by contract to the lowest bidder. The street commissioner shall be paid for his services, and for every day's service actually rendered shall receive such compensation as the common council and said commissioner shall agree upon at the beginning of his official year or he shall be paid such sum per annum in lieu thereof for the services required to be performed by him as he and the common council can agree upon at the beginning of his official year.

Jurisdiction of justices of peace.

SECTION 13. The justices of the peace elected under this act shall have the same and equal jusrisdiction and perform all and like duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the mayor of said city; and the police justice, in addition to his said jurisdiction as justice of the peace, shall have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said common council, and in all actions in which the said city of Baraboo is a party, and shall have the same powers and authority in cases of contempt as a court of record: provided, that nothing herein contained shall be construed so as to divest the judge of the circuit or county courts of their authority as conservators of the public peace, nor to affect, impair or limit in any manner the jurisdiction of the circuit and county courts. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe. In case of absence, sickness or inability of the police justice, the justice of the peace elected under the provisions of this act shall perform the duties of police justice, and have the authority, powers and

rights of the police justice. Appeals and writs of certiorari may be taken from the police justice in the same manner as from other justices of the peace.

Jurisdiction of justices like that of town justices.

SECTION 14. The justices of the peace of said city shall possess, and they are empowered to exercise the same and like jurisdiction, powers and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state. All prosecutions for a breach or violation of any by-law, ordinance or regulation in force in said city, shall, in all cases when the same have been committed within the limits of said city, be commenced in the name of the city of Baraboo, before the police justice thereof, and all fines and penalties imposed by said justices of the peace for violation of any city ordinance, by-law or regulation, shall belong to and be paid over to the treasurer of said city, and be a part of the finances thereof. Nothing in this section nor in this act shall be construed so as to interfere with the exclusive jurisdiction of the police justice as laid down and defined in the preceding section. The said justices of the peace shall, as often as required by the common council, report to them all the proceedings instituted before said justices in which said city is, or may be, interested, and shall at the same time account for and pay over to the treasurer of said city, all fines and penalties collected by them and belonging to said city. Said justices of the peace shall be entitled to receive in all cases had before them in which said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state in similar cases had before them.

Required to deliver property to successor in office.

SECTION 15. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

No officer to be interested in any job.

SECTION 16. No mayor, alderman or street commissioners shall be a party to, or interested in, any job or contract with the city, or any of the wards thereof, and any contract in which they or either of them, may be

so interested, shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract and the mayor, alderman or street commissioner interested in the same.

Officers may command the peace.

SECTION 17. The mayor or acting mayor, sheriff of said Sauk county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriffs of Sauk county, deputy marshals, policemen and watchmen of said city, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all by-standers, and if needs be of all citizens and military companies in said city; and if any person, by-stander, military officer or private citizen shall refuse to aid in maintaining the peace when so required, every such person so refusing shall forfeit and pay a fine not less than five nor more than fifty dollars, and in case when the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

CHAPTER IV.

THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

Style of ordinances.

SECTION 1. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, unless they be acting as inspectors of elections, or as members of a board of registry or equalization, or for extra committee work, and the style of all ordinances shall be, "The common council of the city of Baraboo do ordain," etc. The common council shall meet at such times and places in said city as they shall direct and provide. A majority of the council shall constitute a quorum, but a less number may adjourn from time to time.

SECTION 2. The common council shall hold their first annual meeting in each year on the second Tuesday after the regular city election, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the

judges of the election and qualification of its own members, and have the power to compel the attendance of absent members.

SECTION 3. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, and by-laws, for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be, and have the force of laws; provided, they, are not repugnant to the constitution and laws of the United States or of this state, and for those purposes shall have authority by ordinances, resolutions or by-laws:

To have control of finances and property of city.

1st. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition o' caravans, circuses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables, and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common or statute law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any license for selling spirituous, vinous or fermented liquors to be drank on the premises shall not be less than fifty, nor more than three hundred dollars, and that all such licenses hereafter granted shall run from the first day of May in each year; provided, however, that wh n any such license may be applied for after that date the same may be granted to expire on the said first day of May of each year, on the applicant paying pro rata therefor, but no license shall be granted for a longer term or period than one year.

License shows, billiard tables, etc.

2d. To restrain, prohibit and suppress all description of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, with or without betting, and to restrain, prohibit and

To restrain fraudulent devices.

suppress any person or persons from vending or giving away or dealing in any spirituous, fermented or vinous liquors unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

To prevent riots and gaming.

3d. To prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act or any ordinance of the city of Baraboo, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

To abate nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time as often as it may be necessary for the health, comfort, and convenience of the inhabitants of said city.

Slaughter-houses.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection of and use and occupation of the same when the offal or filth therefrom shall discharge into the waters of the rivers, ponds or sloughs, and to establish rates for, and license venders of gunpowder, and regulate the storage, keeping, and conveying of the same or other combustible material.

Encumbering of streets.

6th. To prevent the encumbering of streets, sidewalks, lanes, or alleys with stairways, carriages, sleighs, boxes, lumber, firewood, or any other material or substance whatever, or in any manner whatever.

Prevent horse racing.

7th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain horses, etc., running at large.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry, and geese, and to authorize the distraining, impounding and sale of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Carcasses.

10th. To prevent persons from bringing, depositing or having within said city any putrid carcass or unwholesome substance, and to require the removal of

the same by any person who may have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

11th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, to regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen, and cartmen in the city; and to erect lamps for lighting the streets, public grounds and public buildings, with gas or otherwise. Public pounds.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

13th. To establish the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Weight of bread.

14th. To prevent all persons riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to said sidewalks. Driving on sidewalks.

15th. To prevent shooting off firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof. Shooting of firearms.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removal and punishing any person or persons who may be guilty of the same. Restrain drunkards.

17th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments. Runners.

18th. To make rules and ordinances for the government and regulation of the police of the city. Police.

19th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish and restrain all persons for interfering with the due observance of such rules and regulations; to license and regulate butcher stalls, shops and stands for the sale of game, poultry, meats, fish and other articles. Public markets.

20th. To regulate the place or places and the manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. Weights and measures.

Policing.

21st. To compel the owners of buildings or grounds, or occupants where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Contagious diseases.

22d. To regulate, control and prevent the landing of persons from cars and stages with contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Auctions.

23d. To regulate the time, place and manner of holding public auctions and vendues.

Watchmen.

24th. To appoint watchmen and prescribe their duties.

Standard of weights and measures.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Protect monuments.

26th. To protect trees and monuments in said city.

Sewers.

27th. To prescribe and regulate the construction of sewers within the city.

Lay out streets.

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from any incumbrances, and to protect them from injury.

Change the name of streets.

29th. To alter or change the name of any street in the city.

Ordain ordinances.

30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act; or which may be vested in any officer of said city by any ordinance thereof.

How the ordinances are to be passed.

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in a newspaper published in said city, selected by the common council at the first meeting after election, or as soon thereafter as is practicable, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk, in books provided for that purpose; but before any of the said laws, ordinances,

regulations or by-laws shall be recorded, the publication thereof, respectively, within the same time, shall be proved, by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication.

Power of council to abate nuisances.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns or saloons, and houses or places where spirituous, vinous or fermented liquors are sold, without the license required thereof, houses or buildings of any kind wherein more than fifty pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Council to examine and adjust accounts of clerk.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and other officers and agents of the city, at such times as it may deem proper; also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officers or agents shall refuse to comply with the orders of the council in the discharge of their said duties in pursuance of this section, or shall neglect or refuse to render their accounts or present their books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Corporate authority—in whom vested.

SECTION 7. The corporate authority of said city shall be vested in one principal officer styled a mayor, in one board of aldermen consisting of three members from each ward, who with the mayor shall be denominated the common council, together with such other officers as may be created under this act.

CHAPTER V.

FINANCE AND TAXATION.

Control of funds in the treasury.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor, and clerk duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, or the city's proportion of the bonds of the town of Baraboo, which shall be collected in money or in orders drawn upon such funds respectively, and all orders shall be payable to the person or to the order of the person in whose favor they may be drawn, or bearer.

Taxes to be levied.

SECTION 2. The common council of said city shall annually levy upon the taxable property of said city to defray the current and lawful expenses of said city and its schools, a tax sufficient to defray the same; *provided*, said common council shall not levy a tax for general purposes, including highway tax, exceeding six-tenths of one per cent. upon the assessed valuation of said city in any one year, unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election.

To issue bonds.

SECTION 3. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; *provided*, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding two thousand dollars in any one year, and the said special tax, when so levied, shall be collected at the same time as other city taxes are collected.

Special taxes to be levied.

SECTION 4. Special taxes may also be levied by the common council, at any regular meeting, for the purpose of paying the interest or principal of the said city's proportion of any outstanding bonds now due, or hereafter to become due, issued by the town of Bar-

aboo, or for the purpose of paying the interest or principal of any bonds which may hereafter be issued by said city of Baraboo, by authority of law; *provided, however*, that no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collected by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes; said taxes, when so levied, shall be collected at the same time other city taxes are collected.

Accounts to be itemized.

SECTION 5. No account shall be allowed by the common council, unless the same is properly itemized, and verified by the owner thereof or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him. When an account is audited, the clerk shall endorse it "allowed" or "disallowed," as the fact may be, giving the amount allowed, if any, and specifying the items disallowed. The minutes of the meeting shall show to whom and for what purpose every such account was allowed, and the amount thereof. No account shall be allowed or appropriation made except by a majority vote of the whole council, taken by "ayes" and "noes," to be recorded in the minutes of the meeting by the clerk. Every such account or demand allowed in whole or in part, shall, with the affidavit thereto, be numbered and filed by the clerk.

Accounts that are disallowed.

SECTION 6. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court of Sauk county, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to such city with sufficient surety to be approved by said clerk, county judge or court commissioner of said county, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against appellant by the court.

Appeal taken.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said common council, with its decision thereon, and

shall file the same together with said notice, and all papers in the case in his possession with the clerk of the circuit court for the county of Sauk, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs thereon shall be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such an appeal shall not exceed the amount allowed by said common council exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery, and when the amount of the costs exceeds the amount recovered, judgment shall be rendered against the appellant for the amount of such excess.

No action against city can be maintained.

SECTION 8. No action shall hereinafter be maintained by any person against the city of Baraboo upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council, as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to it, this chapter shall not be construed so as to prevent the institution and maintenance of any action by said claimant against said city.

CHAPTER VI.

OPENING OF STREETS AND ALLEYS.

To lay out streets.

SECTION 1. The common council shall have power to lay out streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for the public use, for the purpose of laying out streets or alleys or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known

to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be served on all persons interested in such lands who are residents of this state and whose residence is known, by service thereof, in the usual manner of service of a summons, and on all other persons, by publication of such notice, describing as near as may be the premises proposed to be taken, for four weeks, successively, at least once in each week, in some newspaper published in said city, and by mailing a copy thereof to each non-resident interested in the premises, whose lands, if any there be, or if any portion of said lands shall not be in actual occupation of any person, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published four weeks successively, at least once in each week, in some newspaper published in said city of Baraboo.

Notice to be published.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the police justice of the city of Baraboo, or a court commissioner for the county of Sauk, for the appointment of twelve jurors to view said premises, and determine whether it shall be necessary to take the same for the purposes specified in said petition.

What notice shall state.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said police justice or court commissioners shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said police justice or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them within ten days to view the premises to be specified in said precept, and to make returns under their hands to the common council, whether in their judgment it is necessary to take said premises for the purposes specified in such application.

Court commissioners shall appoint.

SECTION 4. The marshal of said city shall serve said precept immediately on the jurors therein named, by reading the same to every one that can be found; and immediately after such service he shall return the said precept to the police justice or court commissioner who issued the same, together with his doings thereon.

Marshal to serve precept.

SECTION 5. If any of the jurors so appointed cannot be found or shall be disqualified from acting or

Qualification of jurors.

shall refuse to act, the police justice or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Oaths to be administered.

SECTION 6. The said police justice or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, before entering upon the discharge of their duties, that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them, which oath shall be filed in the office of the city clerk.

o proceed in a ody.

SECTION 7. The said jurors, at such time as they shall agree upon, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to the witnesses. After viewing the premises in question, and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said report, testimony, and precept shall be returned to the commen council within the time limited in said precept. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report, and directing the same jurors within twenty days thereafter, or such future time as shall be necessary, to again view said premises for the purpose of ascertaining and determining the amount of the damages to be paid to the owner or owners of such property proposed to be taken, and to assess and return, within the time limited, such damages to the common council; and after the jurors shall have made their report, as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve, in ascertaining the amount of compensation as above, and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before a competent officer that they are freeholders in said city, and not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

SECTION 8. If there should be any building in whole or in part upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him to remove.

Value of building to be estimated.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all parties interested shall be given by publication in some paper of said city three successive weeks, once in each week; such notice shall specify the building and the award of the jurors. It shall require the parties interested to appear by a day therein named, or give notice of their election to the common council either to accept the award of the jurors and allow such building to be taken with the land appropriated, or their intention to remove such building. He shall have such time for this purpose as the common council shall allow.

Ten days' notice to be given.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction for cash, giving ten days' public notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

Building to be sold if not removed.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such premises as will in their judgment be injured or be benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, which shall be awarded to such owners, respectively, as damages, and to assess the respective benefits upon the premises benefited thereby. In the estimates of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owner of such lands), as estimated by them aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they

Jurors to view premises.

shall only include the difference between such value and the whole estimated value of such building or buildings, according to section 8 of this chapter.

If the land belong to different persons.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment, or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests, respectively, shall be awarded to them by the jurors.

Award of jurors.

SECTION 13. The award of such jurors shall be signed by them and returned, together with the testimony taken and the precept to the common council, within the time limited in such precept.

Can appeal.

SECTION 14. Any person whose property is taken or against whom any assessment is made, may, within ten days from the return of the jurors to the common council, appeal from said assessment of damages to the circuit court of Sauk county, by causing a written notice of such appeal to be served on the clerk of said city and executing a bond in the manner prescribed in section 6 of chapter 5 of this act, and such appeal shall be tried by the court and jury, as in ordinary cases. The common council shall have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

Damages must be first paid on land.

SECTION 15. The land required to be taken for the purposes mentioned in this act, shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent; or in case the said owner or agent cannot be found, or is unknown, deposited to his or their credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, and public grounds, opened or laid out.

Damages to be paid in one year.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required within one year from the confirmation of such assessment and report, and if not paid, tendered or deposited, all proceedings in such case shall be void.

May tender a deposit.

SECTION 17. The city may pay a tender or deposit, as herein required, at any time within one year from the confirmation of such assessment, and report the damages assessed in any such case; and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an

order among its proceedings to take and appropriate such lands for the purposes required.

SECTION 18. Whenever the whole of any tract or lot or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties touching the same or any part thereof shall, upon the confirmation of such report, respectively cease and be absolutely discharged. Covenants shall cease.

SECTION 19. When only part of a lot or tract of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same shall be so proportioned that the part thereof justly and equitably payable for such residue thereof and no more, shall be paid or recoverable for, or in respect to the same. Contracts on land taken shall cease.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the judge of the circuit court of Sauk county, or, in his absence, the judge of any court of record in said county, may, upon the application of the common council or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Infant owners.

SECTION 21. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk. Survey of land to be made.

CHAPTER VII.

ACTIONS TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or for- Actions to recover penalties.

feiture is claimed, and to give the matter in evidence under it.

Prosecutions to be made by warrant.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

Form.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

County of Sauk, City of Baraboo,— ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Baraboo:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, police justice in and for said city, at my office in said city, on the —— day of ——, 18—, at —— o'clock in the —— noon, to answer to the city of Baraboo in a plea of debt to the damage of said city, two hundred dollars or under.

Given under my hand, at said city, this —— day of ——, 18—. C. D., Police Justice.

Form.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all the proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

The City of Baraboo against A. B. } In Police Court, before C. D., Justice:

The plaintiff complains against the defendant, for that the defendant, on the —— day of ——, 18—, at the said city, did violate (section ——, of chapter ——, of this act, or section ——, of an ordinance, or by-law, or regulation of said city, describing it by its title), which said ——— is now in force. By reason of such violation an action hath accrued to the city of Baraboo, to recover of the defendant the sum of —— dollars debt. Wherefore the plaintiff demands judgment

against the defendant for the sum aforesaid, besides the cost of this action.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form: Form.

The City of Baraboo against A. B. } In Police Court, before C. D., Police Justice

County of Sauk—ss.

——— ———, being duly sworn, complains on oath to C. D., police justice in and for the city of Baraboo, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate (section ——, of chapter ——, of this act, or section ——, of an ordinance, or by-law, or regulation of said city, describing it by its title), which said —— is now in force, as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Baraboo therefor.

Sworn and subscribed before me, this —— day of ——, 18—.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the police justice, he shall issue a warrant substantially in the following terms:

County of Sauk, City of Baraboo,—ss.

The state of Wisconsin to the sheriff or any constable of said county, and to the marshal of the city of Baraboo greeting:

Whereas, —— ——— has this day complained to me, in writing, on oath, that A. B., on the ——— day of ————, 18—, at said city, did violate (section ———, of chapter ———, of this act, or section ———of an ordinance of by-law, or regulation of said city, describing it by its title), which said ——— is now in force, as the complainant believes; therefore you are commanded to arrest the body of A. B., and bring him before me forthwith to answer to the city of Baraboo on the complaint aforesaid. Form.

C. D., Police Justice.

Upon the return of said warrant, the justice shall proceed summarily with the case, unless it be ad- Justice may proceed.

journed by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or, in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Sauk county. The complaint made as aforesaid shall be the only complaint required, and the plea of "not guilty" shall put in issue all subject matter embraced in the action.

Printed copy to be evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in a pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Witnesses and jurors to attend.

SECTION 8. Witnesses and jurors shall attend before the police justice, in all city and criminal suits, without payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

City prosecutions.

SECTION 9. In city prosecutions, if the verdict is guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation for the violation of which the person or persons shall have been adjudged guilty; and for costs of suit; but if not guilty, the costs of the suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the police justice shall forthwith issue execution as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Form.

COUNTY OF SAUK, }
City of Baraboo, } ss.

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Baraboo on the —— day

of ——, 18—, recovered a judgment before the undersigned, police justice, in and for said city, against —— —— for the sum of —— dollars, together with —— dollars and —— cents, costs of suit, for the violation of section ——, of chapter ——, of this act, or section ——, of an ordinance or by-law or regulation of said city, describing it by its title, you are hereby commanded to levy distress of the goods and chattles of said —— ——, excepting such as the law exempts, and make sale thereof according to law to the amount of said sums, together with your fees, twenty-five cents for this writ, and the same return to me in thirty days, and for the want of such goods and chattles whereon to levy, to take the body of said —— —— and him convey and deliver to the keeper of the common jail in Sauk county; and said keeper is hereby commanded to receive, keep in custody in said jail, the said —— ——, for the term of ——, unless the said judgment together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand this ——— day of ———, 18—. C. D., Police Justice.

The form of commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

Defendant may appeal.

SECTION 10. In all cases the defendant may appeal from such judgment, to the circuit court of the county of Sauk; provided, that such defendant, within twenty-four hours, pay to the justice his costs, and one dollar for his return, and enter into a recognizance with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken, shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal to stand for trial.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, and the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

Defendant shall be convicted.

SECTION 12. If the judgment of the justice shall

be affirmed, or if upon trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Qualification of judge etc.

SECTION 13. No person shall be an incompetent judge, justice, juror, or witness, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Present ordinances to remain in force.

SECTION 14. All ordinances and regulations now in force in the village of Baraboo, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Rights vested.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several ordinances or acts incorporating Baraboo village shall be vested in and prosecuted by the corporation hereby created.

How to serve a process.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk so served forthwith to inform the common council thereof, or to take such action or proceeding as by ordinance or resolution of said council may be in such cases provided.

Penalties to be paid into treasury.

SECTION 17. All penalties and forfeitures recorded and collected under and by virtue of this act shall be paid into the city treasury for the use and benefit of said city.

City property exempt from execution.

SECTION 18. All fire engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

Property exempt.

SECTION 19. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city or any judgment against said city.

SECTION 20. In all cases where a defendant shall be convicted of any violation of any ordinance or police regulations of said city, the court before whom the same is tried shall have power to sentence the defendant to a term of imprisonment in the common jail of Sauk county for any period not exceeding six months. Penalty.

SECTION 21. If the mayor of the city shall at any time deem it for the interest of the city, he may employ and work the prisoners so committed outside of the jail or yard at labor on the public grounds, streets or alleys of said city, and may cause them to be secured in such a manner as in his judgment will prevent their escape, and the keeper or custodian of the common jail of said county shall, upon the order of the mayor of said city, deliver the prisoner or prisoners in such order named and described, to the keeping and custody of such person or persons in said order directed, and receive and securely confine such prisoner or prisoners, when returned by such person or persons as aforesaid, and said order shall remain good and be in force until revoked by the mayor or common council of said city. Working prisoners.

SECTION 22. The common council may, by a two-thirds vote thereof, grant pardons or commutations after conviction, for all offenses against the ordinances, by-laws or regulations of the city, on such conditions as they may deem proper. May grant pardons.

CHAPTER VIII.

PUBLIC SCHOOLS.

SECTION 1. All the district of country within the corporate limits of the city of Baraboo, shall be known and designated as school district number one of the city of Baraboo, for all purposes; provided, that the common council shall have power to change, alter and define, or divide into two or more districts as it may deem expedient. School districts.

SECTION 2. The common council of the city of Baraboo shall, at its regular meeting in May, 1882, elect four school commissioners, two to serve two years, and two to serve one year, and thereafter annually, two such commissioners to serve two years. The terms of said commissioners shall commence on the first Monday of July in each year. School commissioners.

SECTION 3. The school commissioners hereafter elected under the provisions of the foregoing section, shall form the board of education of the city of Bara- Shall form board of education.

boo, and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the common council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

Superintendent of schools.

SECTION 4. Said board of education shall annually elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and said superintendent shall continue in office for one year and until his successor is elected, unless sooner removed by a majority vote of the board of education for misconduct or other sufficient cause.

Duties of president.

SECTION 5. The board of education shall, at its first regular meeting, on the first Monday in July of each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order subject to appeal to the board. He shall countersign all orders drawn by the clerk for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, including superintendent's salary, and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriations of money, or the adoption of new text-books, the votes shall be taken by ayes and noes, and recorded in the minutes of the meeting. The city clerk shall be clerk of said board, shall attend all meetings of the same, and keep full minutes of all proceedings thereat.

When meetings shall be held.

SECTION 6. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by it; and it may have special meetings at such other times as it may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of such meeting.

Salary of superintendent.

SECTION 7. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year by the common council; but the members of said board of education shall receive no compensation for their services as such.

SECTION 8. The duties and the powers of the board of education shall be as follows:

1st. To elect at its regular meeting in July in each year, a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter. When elected.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the clerk of said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk and the other copy delivered to the teacher. Number and grade of teachers.

3d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt and reject text-books at will. Terms and vacations.

4th. To establish rules and regulations for schools, not in conflict with the constitution or laws of this state; and shall have full control over all schools and school districts within said city, except as herein provided. Establish rules.

5th. To make contracts for fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs in school houses, lighting fires, sweeping school rooms, etc., and such contracts, when executed, shall be paid by orders drawn on the city treasury, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board. Make contracts.

6th. The said board shall annually, on or before the first day of October in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the board, and for that purpose it shall cause entries to be made in a book or books to be provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and all other expenditures made or authorized by said board at the time the same shall be made or authorized by said board, which book or books shall be subject to inspection in the same manner as the records of the Submit a statement.

boo, and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the common council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners by resignation or otherwise.

Superintendent of schools.

SECTION 4. Said board of education shall annually elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and said superintendent shall continue in office for one year and until his successor is elected, unless sooner removed by a majority vote of the board of education for misconduct or other sufficient cause.

Duties of president.

SECTION 5. The board of education shall, at its first regular meeting, on the first Monday in July of each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order subject to appeal to the board. He shall countersign all orders drawn by the clerk for the payment of teachers' and janitors' wages, and all other incidental and necessary expenses of said board of education, including superintendent's salary, and in all suits brought by or against the school district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriations of money, or the adoption of new text-books, the votes shall be taken by ayes and noes, and recorded in the minutes of the meeting. The city clerk shall be clerk of said board, shall attend all meetings of the same, and keep full minutes of all proceedings thereat.

When meetings shall be held.

SECTION 6. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by it; and it may have special meetings at such other times as it may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of such meeting.

Salary of superintendent.

SECTION 7. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year by the common council; but the members of said board of education shall receive no compensation for their services as such.

SECTION 8. The duties and the powers of the board of education shall be as follows:

1st. To elect at its regular meeting in July in each year, a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter. When elected.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the clerk of said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk and the other copy delivered to the teacher. Number and grade of teachers.

3d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and secure uniformity in text-books, and to adopt and reject text-books at will. Terms and vacations.

4th. To establish rules and regulations for schools, not in conflict with the constitution or laws of this state; and shall have full control over all schools and school districts within said city, except as herein provided. Establish rules.

5th. To make contracts for fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs in school houses, lighting fires, sweeping school rooms, etc., and such contracts, when executed, shall be paid by orders drawn on the city treasury, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board. Make contracts.

6th. The said board shall annually, on or before the first day of October in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the board, and for that purpose it shall cause entries to be made in a book or books to be provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and all other expenditures made or authorized by said board at the time the same shall be made or authorized by said board, which book or books shall be subject to inspection in the same manner as the records of the Submit a statement.

and is, independent of the jurisdiction of the county superintendent of schools of the county of Sauk, and exempt from all taxation for his support and salary, and the superintendent of schools of Sauk county shall hereafter, after the termination of the present term, be elected independent of said city of Baraboo.

CHAPTER IX.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

What property is subject to taxation.

SECTION 1. All property, real or personal within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers, and be subject to the same duties and liabilities as township assessors, except so far as they may be altered by this act; provided, however that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

Return of assessment roll.

SECTION 2. The assessor shall return the said assessment roll to the board of equalization of the city on or before the first Monday in July in each and every year. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same.

Omissions in assessment.

SECTION 3. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall in addition to the assessment of that year, assess upon the lot or tract so omitted for such year or years that it shall have been omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes

that may have been omitted, in whosoever hands the same may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall by ordinance direct; provided, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

Board of equalization.

SECTION 4. The mayor, the city clerk, the assessor, and one alderman from each ward, to be appointed by the common council, shall constitute the board of equalization. Such board of equalization shall meet on the first Monday of July, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting, equalizing the assessment roll of the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof, and all changes made in said roll by said board shall be recorded by the clerk, and when finally completed the said assessment roll shall be filed with the city clerk.

When tax is to be determined.

SECTION 5. On the first Monday of October in each year, or within ten days thereafter, the common council shall determine the amount of taxes authorized by law and by this act, to be levied for general city purposes, for school purposes and for paying the city's indebtedness, due or to become due for the ensuing year, and shall by resolution levy the same, but no such resolution shall be adopted except by a vote of two-thirds of the members elect, which shall appear in the proceedings of the common council.

Taxes to remain a lien on land.

SECTION 6. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sales or transfers of such real property shall affect such lien. Any personal property belonging to the person taxed may be

sold for the payment of taxes upon personal property or real property.

Return of assessment to be transmitted.

SECTION 7. Before the annual meeting of the board of supervisors of the county of Sauk, and by the time required by the laws of this state for the return of assessments from the several towns, the city clerk shall transmit an abstract of the assessment roll to the county clerk of said county, who shall lay the same before the board of supervisors at their annual meeting.

City to be regarded as a town.

SECTION 8. The board of supervisors shall regard the city of Baraboo as a town, in equalizing the assessment of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll.

May levy a tax on city.

SECTION 9. The said board of supervisors may levy a tax or taxes upon such city, as now is or may be provided by law hereafter in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns and town clerks, and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk to make out assessment roll.

SECTION 10. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes of any previous years, and all special taxes levied by the common council since the making out of the annual tax list, in such separate columns as may be necessary, with the total footings carried out opposite each tract or lot of land or persons named therein, which statement shall be called the tax list of the city of Baraboo, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list prima facie evidence.

SECTION 11. The tax list made out and preserved as aforesaid shall be prima facie evidence in every court of record in this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly and correctly as required by law.

Duplicate copies to be made.

SECTION 12. Immediately after making out the tax list as aforesaid, the clerk shall make out a duplicate copy thereof, adding thereto in a separate column, five

per cent. for expenses of collection to which shall be appended a warrant, signed by the mayor and clerk and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law, and said clerk shall on or before the tenth day of December of the same year, deliver the same to the city treasurer for collection and make a record of such delivery on the tax list preserved in his office.

Public notice to be given in newspaper.

SECTION 13. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice of four days in a newspaper published in said city, and by posting the same in three or more public places in said city, that such tax list has been committed to him for collection, and that he will receive payment for taxes at his office therein, on and after the day in such notice to be specified.

Shall proceed to collect taxes.

SECTION 14. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirement, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per cent. fees upon all taxes paid to him before the tenth day of January, and five per cent. fees upon all taxes paid or collected after that time.

Taxes to be paid to county treasurer.

SECTION 15. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax apportioned to said city of Baraboo by the board of supervisors of said county of Sauk.

When delinquent tax list to be made out.

SECTION 16. On or before the last Monday in February in each year, unless the time be extended as provided by law, the said treasurer shall make out and return to the treasurer of the county in which said lands may be, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with and pay over all moneys properly payable to said county treasurer, in like manner as now is or may hereafter be required of town treasurers. The said treasurer shall also, at the said time, make out and deliver to the city clerk, a list of all delinquent personal property taxes for the same year The county treasurer shall add the same interest, penalty or fees to such delinquent returns as are allowed, or are required, by law, upon delinquent returns from the several towns.

How county treasurer shall sell.

SECTION 17. The county treasurer shall sell all de-

linquent lands and lots returned from the city of Baraboo, at the same time and in the same manner as other delinquent lands are sold in said county.

All real estate taxable.

SECTION 18. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

Only directory.

SECTION 19. All the directions hereby given, except in section five of this chapter, for the assessing of lands and the assessing and levying, collections and returns of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or the assessment.

Power to levy tax by majority vote.

SECTION 20. The common council shall have power, by a majority vote of all members thereof, to levy a tax or taxes to pay any and all judgments against the city.

Penalty for refusing to do duty.

SECTION 21. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes, as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

Payment of taxes to be enforced.

SECTION 22. At the expiration of the time now or hereafter designated by the general laws of this state for the collection of personal taxes, the treasurer shall proceed to enforce the collection thereof, in the same manner as now is or may hereafter be prescribed by such law.

Who are liable to poll tax.

Who exempt.

SECTION 23. Every male inhabitant of the city of Baraboo over twenty-one years of age and under fifty, except active members of the fire department, shall pay into the city treasury annually the sum of one dollar and fifty cents each, as a poll tax. It shall be the duty of the assessor of the city of Baraboo to make out duplicate lists of all persons liable to said tax in the city, and said assessor shall, on or before the first Monday of July in each year, deliver one of said lists to the city clerk, and one to the treasurer of the city of Baraboo. The said treasurer shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax, who shall not have paid the same within twenty days after demand, either personal or by written notice left at their usual place of abode,

shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Baraboo. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The moneys collected as above shall go to the general fund of the city. The mayor, city clerk and treasurer shall constitute a board to determine the liabilities of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days after the demand or notice mentioned in this section. The city treasurer shall receive for collecting said tax five per cent. of the amount collected.

CHAPTER X.

OF THE FIRE DEPARTMENT.

Power to prescribe fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damages.

Power to regulate construction of buildings.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; and to regulate and prevent the carrying on of any manufactures dangerous in causing and promoting fire; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from

the vicinity of a fire all idle and suspected persons, and to compel the bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Shall have power to purchase fire engines.

SECTION 3. The common council shall have full power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer, who shall be appointed by the common council, and form its own by-laws, not inconsistent with the laws of this state, or the ordinances and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed, shall be exempt from highway work and poll tax, and from serving on juries and military duty, except in case of war, insurrection or invasion, during the continuance of such membership.

Fire wardens to be appointed.

SECTION 4. The mayor shall appoint one fire warden for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, barn or inclosure, for the purpose of inspecting the same.

Penalty for not obeying orders.

SECTION 5. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Sack company.

SECTION 6. The common council shall have power to organize a sack company, which may be known by such name as it may select, and shall consist of not

more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Baraboo, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all the property which may be exposed and endangered, and shall, as far as may be in their power, preserve the same from injury or destruction. Such company may from time to time adopt such by-laws as it may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Each company to select a clerk or secretary.

SECTION 7. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary, who shall, on or before the first Monday in May of each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given the city clerk.

Record of members to be kept.

SECTION 8. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such records shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note the fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Sauk, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed, for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

All companies, corporations, etc., not incorporated, to pay two per cent.

SECTION 9. All corporations, companies and associations, not incorporated under the laws of this state, engaged in said city in effecting fire insurance, shall pay to the city treasurer at the rate of two per cent. upon the amount of all premiums which shall have been received or shall have been agreed to be paid, for any insurance, effected or agreed to be effected, on any property in said city, by or with such corporation or associations respectively, in manner and at the times as prescribed by the general laws of the state in relation thereto. The money so received shall go to the general fund of the city, to be used and paid out for the purposes of said fire department.

Expenses to be paid from general fund.

SECTION 10. All expenses of the fire department shall be paid from the general fund of the city; provided, that the common council shall not expend in any one year, on account of said fire department a greater sum than shall be received from licenses, fines and forfeitures, and from insurance companies, as provided in the preceding section, for the same year.

CHAPTER XI.

SIDEWALKS.

Grade of streets.

SECTION 1. The common council of the city of Baraboo shall have power to establish the grade of the streets and walks of said city, and to change and re-establish such grade as they may deem expedient; provided, that whenever they shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have a right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor until application has been made to the common council to pay such damages, and said council have refused or neglected for three months to pay or settle the same.

Cleaning of streets, etc.

SECTION 2. It shall be the duty of the city marshal to see that all ordinances of the city relating to obstructions and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, water and water courses in said city are duly observed and kept. The committee on streets, to be appointed by the mayor, shall have a general supervision over all works let by contract or otherwise for the improvement of streets or sidewalks and gutters in said city, unless the common council shall otherwise provide.

Sidewalks to be constructed on proper grade and materials.

SECTION 3. Sidewalks and gutters shall be constructed, reconstructed or repaired upon the proper es-

tablished grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by a two-thirds vote of the aldermen elect by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk or gutter shall be ordered; provided, that before going into effect such ordinance, resolution or order shall be published at least two weeks in one newspaper published in said city. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk or gutter as aforesaid in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk or gutter shall be constructed, sufficient to pay the cost of constructing the same, and said tax shall be collected at the time and in the manner as is provided herein for the collectinoof other taxes.

Sidewalks to be kept in repair.

SECTION 4. All sidewalks shall be kept in repair and clear and free from all obstructions at the expense of the lot adjoining or abutting thereon and of the owner or owners thereof, and in case the owner or occupant shall fail to keep such sidewalk in repair and clear and free as aforesaid, the common council may cause the same to be done without notice and charge the expense thereof to such lots respectively; provided that no sidewalk shall be so repaired at the expense of the lot when the cost of such repair shall exceed one-half the cost of a new sidewalk of the kind in front of such lot, except in the same manner as required for the building of a new sidewalk; provided, however, that if a sidewalk on or in front of any lot shall become injured or destroyed by the burning of any building or property, and the same shall not within a reasonable time be repaired or rebuilt by the owner of such lot, the alderman may repair or rebuild such sidewalk at the expense of the lot without notice.

Construction of sidewalks to be let to the lowest bidder.

SECTION 5. The common council of said city shall have power and may in its discretion, by an affirmative vote, let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, or as they may otherwise order, the construction of any sidewalk or gutter or the making of any improvements on or along any street or highway in said city limits which shall have been ordered, levy and collect a tax upon each lot or piece of ground in front of which said sidewalk,

gutter or improvement shall have been ordered and constructed under such contract or otherwise, sufficient to pay the cost of constructing the same, as provided in section 3 of this chapter.

Street committee to do the work.

SECTION 6. All work provided for in this chapter shall be done under the supervision of the street committee, and shall be approved by them before it shall be accepted by the council.

Costs and expenses chargeable to city.

SECTION 7. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city; the cost and expense of opening, grading or graveling, planking, paving of streets and alleys, shall be chargeable to the lots of land, except farming lands, fronting on such street or alley, so that each lot or parcel of land, except farming lands shall pay for work between the front of each lot or parcel of land, and to the center of such street or alley; provided, that the common council may order such cost and expense to be paid by the lots or land, except farming lands, fronting on such streets or alleys, by a pro rata tax, based upon the last assessment made prior to such order by the common council. Sewers and gutters may be ordered by the common council, and built at the expense of lots or parts of lots benefited thereby and fronting upon the side of the street along which said sewer or gutter shall be constructed; provided, however, that when sewers or gutters are constructed through alleys, no lot shall be assessed therefor except those situated in the block through which such sewers or gutters may be constructed; and provided further, that in all cases when improvements or work of any kind are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground. Lots shall be liable, as in this chapter provided, for the improvement of streets to the center of the street on which they abut or join; and corner lots for all sidewalks up to the crossings or crosswalks.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Common council and board of supervisors to meet before May 1, 1882.

SECTION 1. It is hereby made the duty of the common council of said city and the board of supervisors of said town of Baraboo to meet together at

some convenient place on or before the first Monday of May 1882, upon notice given by either body, and, if possible, agree upon some just, fair and equitable settlement or adjustment and division of the property, money, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city out of the territorial limits of the town of Baraboo; and said common council of said city and said board of supervisors of the town of Baraboo shall meet annually on the first Monday of May in each and every year, and make a just, equitable and fair division of the amount of bonded indebtedness then due, or to become due, for the then existing year, whether of principal or of interest, and shall allot and set off to said city the amount of such proportionate amount of principal and interest as should in justice and in equity be paid by said city, and shall also set off and allot to said town of Baraboo such proportionate share and amount of such principal and interest as should in justice and in equity be paid by said town. In determining such proportion so as to be paid by said town and city the said supervisors and the said common council shall take the last preceding respective assessment rolls of the said city and of the said town, and allot to said city and town respectively the amount of bonded indebtedness due, or to become due that year, to be paid by each in proportion as the assessed valuation of such city bears to the entire value of said city and town.

To adjust city limits.

SECTION 2. If the common council of said city and board of supervisors of said town shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the circuit judge of the circuit court in and for the county of Sauk, upon application made to him by either of said bodies, five day's notice having been previously given to the other body, to appoint three commissioners, one to be a resident of said city, one of said town and one to reside outside of both city and town, who shall have power, and it is made their duty, as soon as may be after their appointment and filing with the clerk of the circuit court in and for said county, of their oaths to faithfully and fairly to adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned, to examine into and fairly, equitably and justly make a division of all property moneys, credits and property owned by said city or

any part thereof in common with said town; make a full and complete settlement or adjustment of all matters between said city and town, arising or growing out of the formation of said city out of the territorial limits of said town, and especially of the indebtedness of said town, any portion of which said city ought to pay. And in order to make such a settlement, adjustment and division as herein contemplated, the said commissioners shall make use of and shall use as a basis of such settlement and adjustment and shall be therein governed by the assessment roll of said town of Baraboo for the year 1881. The said commissioners shall, as soon as possible, make their award in writing and file the same in the clerk of the court's office of said county, which shall be final and conclusive between the parties.

How balances are to be paid.

SECTION 3. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside of the city which comprises a part of the town of Baraboo, from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found upon such settlement that there is any amount due any portion of said city from any portion of territory outside of said city limits which was an organization from which said city was formed, that portion of said territory so owing said part of said city shall pay the amount to the city treasurer. And in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages.

Connection between city and town of Baraboo dissolved.

SECTION 4. The connection between the town of Baraboo and that part of said town included within the city limits for all town purposes is dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Baraboo, shall be performed by the aldermen, mayor and other officers of said city, except as herein otherwise provided.

City to use Sauk county jail.

SECTION 5. The use of the jail of Sauk county, until otherwise provided, shall be granted to said city for the confinement of persons or offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases.

SECTION 6. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act. No money to be appropriated.

SECTION 7. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds and blocks in said city, and may cause to be established such permanent landmarks as they deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of the register of deeds of the county of Sauk. Survey of boundary lines to be made.

SECTION 8. The surveys and landmarks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks in all cases in which they shall be drawn into controversy in all courts in this state. Prima facie evidence.

SECTION 9. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and filed in the office of the city clerk; and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the common council of the said city from ordering or causing to be done the grading of any street within said city to a temporary grade to be established by the common council. May establish grade of all streets, etc.

SECTION 10. All sums of money necessary for grading streets and building walks, not chargeable to individuals, shall be paid from the general fund. Money necessary chargeable to general fund.

SECTION 11. The city may have, purchase and hold real and personal estate sufficient for the conveniences of the inhabitants thereof, and may sell and convey the same; and the same, while owned, occupied or held by said city shall be exempt from taxation. City may have and purchase real estate.

SECTION 12. Every individual or company of individuals, or body corporate, owning a lot or tract of land within the corporate limits of the city of Baraboo, who may desire to subdivide or plat such tract, lot or tract of land into city lots, shall, in platting the same, Land within city may be subdivided.

cause the streets and alleys in such plat to correspond in width and general direction with the streets of the city.

Deeding or leasing land.

SECTION 13. When the city of Baraboo deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Baraboo, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

May authorize property deeded.

SECTION 14. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

Election may be held at subsequent day.

SECTION 15. If any election by the people for common council shall, for any cause, not be held at time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day by order of the common council; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said action may be done and performed.

Mayor may appoint police officers.

SECTION 16. The mayor, with the approval of the aldermen, may appoint as many police officers and night watchmen as he may deem necessary to the welfare of the city, whose appointment shall be either written or printed, and countersigned by the city clerk; and such police officers and watchmen shall have all the powers of a constable within the city of Baraboo.

No general law affects this law.

SECTION 17. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this chapter or this act.

Actions against company or corporation made in name of city.

SECTION 18. In cases where an action might be brought by the city of Baraboo against any person,

company or corporation, such action may be commenced and prosecuted in the name of the city by any elector of said city; provided, that when the complaint is made by any person other than an officer of said city, the justice may require security for costs as in civil cases before justices of the peace. In case that the complainant be not an officer of said city, and if the defendant be acquitted, and the police justice or justice of the peace shall certify in his docket that the complaint was wilful and malicious and without probable cause, then judgment for all costs in the case shall be entered against such complainant, which judgment shall be collected in the same manner as a judgment against the defendant would have been collected had he been found guilty under said complaint, and the same proceedings to enforce such judgment shall be had as it would have been legal to have had, had defendant been found guilty.

This act a public act.

SECTION 19. The act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Clerk pro tem may be appointed.

SECTION 20. Whenever the city clerk may be absent or incapacitated from performing the duties of his office, the common council may appoint some suitable person to perform for the time being the duties of the office, and the acts of the person so appointed shall be of full effect and legality.

May change boundaries of several wards in city.

SECTION 21. The common council shall have the right and power, at any time after said city shall have been organized under this act, by ordinance to change the boundaries of the said several wards of the city, and to make and establish new wards therein, whenever the common council may deem best; provided, that whenever the common council proceed to alter or change the boundaries of said wards, or to establish new wards in said city, due regard shall be had to the population and the valuation of property in each ward, so that all the wards in said city, when so changed or established, shall be as near equal in their respective populations and assessments as practicable.

Penalty for member of council voting any emoluments to himself.

SECTION 22. Every member of the common council of the city of Baraboo who shall, directly or indirectly, vote to himself, or knowingly to any other person, any sum of money for any purpose whatever, in violation of the city charter or any amendment thereof, or shall ask or receive any compensation for doing any official act, except as inspector of elections, member of the board of registry, and as a member of the board of

equalization, or for extra work on committee; any member of the common council or any other city officer who shall be, directly or indirectly, interested in any contract made with or in behalf of said city, and any member of said council or other city officer who shall, directly or indirectly, purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the police justice, or any justice of the peace having jurisdiction, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court, and shall forfeit his office, and any contract made in violation of the provisions of this section shall be void.

License—how signed and by whom.

SECTION 23. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the city clerk and sealed with the corporate seal of the city, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor. Nor shall any license be issued for dealing in, selling or vending spirituous or malt liquors, until the same shall have been authorized by the common council, and the applicant shall have filed a receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved either by the mayor or common council; every such license shall contain a clause prohibiting the selling, vending or giving away of any spirituous, vinous or malt liquors on general or special election days.

Assignee of licenses.

SECTION 24. No assignee of any license shall be permitted to pursue the occupation or business licensed, except by a vote of two-thirds of the common council.

Penalty for drunkenness.

SECTION 25. Any person who shall be guilty of drunkenness, or immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places of the city of Baraboo, shall be deemed guilty of a misdemeanor, and on conviction thereof before the police justice of said city, shall be punished by a fine of not less than one, nor more than one hundred dollars, or by imprisonment in the county jail of Sauk county not less than two days nor more than three months.

SECTION 26. No action in tort shall lie or be maintained against the city of Baraboo, unless a statement in writing, signed by the person injured or claiming to be injured, of the wrong and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occurring or happening of the tort alleged. No action of tort shall lie.

SECTION 27. The city shall not be liable for any damages arising or growing out of any sidewalks, streets, drains, sewers, gutters, ditches or bridges in said city being in a defective or dangerous condition or out of repair, unless it be shown that previous to the happening of the same, the common council, or one member thereof, or the street commissioner, had actual knowledge thereof; and no knowledge of such condition shall be presumed unless the defect out of which the same occurred, existed four weeks before such damages occured. City not liable for damages on sidewalks unless notified.

SECTION 28. In case of injury or damage by reason of insufficient, defective or dangerous condition of streets, sidewalks, drains, sewers, gutters, ditches or bridges, produced or caused by the wrong, neglect of duty, default or negligence of any person or corporation, such persons or corporation shall be primarily liable for all damages for such injury, in suit for the recovery thereof by the person sustaining such damages, and the city shall not be liable therefor until all legal remedies shall have been exhausted to collect such damages from such person or corporation. Not liable under certain conditions.

SECTION 29. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair, is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises. Owners of lots to keep sidewalks in repair, etc.

SECTION 30. The citizens of the town of Baraboo shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Baraboo as they may determine, and the officers of said town of Baraboo may transact all town business in said city and with the like effect as if held or done in the town of Baraboo. Right to hold town meetings in city of Baraboo.

SECTION 31. The paupers of said city shall be removed to the poor house of the county of Sauk by the mayor or aldermen, in like manner as they are removed from the several towns in said county. Paupers to be removed to poor house.

SECTION 32. All officers of the village of Baraboo shall hold their respective offices until the city officers Officers to hold over till successors.

under this act shall be elected or appointed and qualified; and all property, real and personal, books, papers, maps, etc., belonging to said village of Baraboo shall be and become the property of the city of Baraboo upon its organization under this act.

How represented in county board.

SECTION 33. The city of Baraboo shall be represented in the board of supervisors of Sauk county by one alderman from each ward, to be appointed by the common council.

Names of committees.

SECTION 34. The regular committees of the common council shall be as follows: On Finance, Streets, Ordinances, Fire Department and Licenses, and shall be appointed by the mayor at the first meeting after the annual election, or so soon thereafter as convenient.

May remit tax or assessment.

SECTION 35. The common council may, by unanimous vote thereof, remit any tax or special assessment, or any part thereof, whenever the same shall be manifestly illegal or unjust.

Amount that may be expended in any one year.

SECTION. 36. The common council may expend for the improvement of any highway or highways leading into said city, not to exceed four hundred dollars in any one year.

Officers may be expelled.

SECTION 37. The common council may, by a two-thirds vote thereof, upon due notice and hearing, expel any member thereof or remove any officer or agent of the city for incompetency, misconduct or neglect in the discharge of official duties.

All conflicting acts repealed.

SECTION 38. All acts and parts of acts conflicting with the provisions of this act, particularly the act incorporating the village of Baraboo, and all acts amendatory thereof, are hereby repealed.

SECTION 39. This act shall take effect and be in force from and after its passage.

Approved February 25th, 1882.

[No. 75, S.] [Published February 28, 1882.]

CHAPTER 22.

AN ACT to extend the time within which certain free high schools shall be entitled to the state aid now provided by law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State aid.

SECTION 1. Any high school district which shall have established and maintained a free high school according to the laws of this state, and which shall continue so to maintain such free high school, shall be entitled to receive the state aid now provided by law,

for the period of five years from and after the time when such state aid would otherwise expire. Such state aid shall be obtained, certified and paid in the manner now provided by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1882.

[No. 52, S.] [Published February 28, 1882.]

CHAPTER 23.

AN ACT to amend chapter 79 of the laws of 1880, entitled an act to create the Kewaunee Harbor Commission and define its duties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Joseph Duvall, John Covel and Laurentz Lutz, of the county of Kewaunee, state of Wisconsin, are hereby created the Kewaunee Harbor Commissioners, and in case a vacancy should occur, two of said commissioners shall have the power to fill said vacancy by appointing a third person. Harbor commissioners.

SECTION 2. Said commissioners shall hold their office for the period of three years from and after the passage of this act, and shall have power to elect out of their number a president, a secretary and a treasurer. Duration of office.

SECTION 3. Said commissioners shall give a bond to the town supervisors of the town of Kewaunee, Kewaunee county, Wisconsin, in the penal sum of twenty thousand dollars, with good and sufficient sureties to be approved by the county judge of Kewaunee county, for the faithful discharge of their duties as hereinafter set forth. Upon the delivering of said bond to said supervisors, the town treasurer of said town of Kewaunee shall forthwith pay over to said commissioners, upon their joint receipt, the ten thousand dollars loaned by the commissioners of public lands of the state of Wisconsin to said town of Kewaunee, as authorized by an act of the present legislature; and such commissioners may also receive such sum or sums as may be given by private subscription to aid in the construction and improvement hereinafter named. Shall give bond.

SECTION 4. Said commissioners shall have power to order, supervise and direct the construction of piers at the place of the government survey, in said town of Kewaunee, and repair and construct and improve Shall have powers.

a harbor at the place of said survey, at a cost not exceeding said sum of ten thousand dollars, and the amount which may be so as aforesaid given by private subscription. They shall have power to contract for all materials and work necessary in such construction and improvement, and to pay, lay out and expend said sum or sums in such work of construction and improvement.

Two shall constitute a quorum.

SECTION 5. Two of said commissioners shall constitute a quorum for business and all appropriations of the funds and all contracts must receive the assent of at least two of said commissioners, and all moneys shall be paid out by the treasurer of said commissioners upon the warrant of the president, countersigned by the secretary.

Shall make report.

SECTION 6. At the expiration of their terms of office such commissioners shall render a full account and report of their doings to the board of supervisors of said town of Kewaunee, and return to the treasurer of said town any of the aforesaid fund which may remain unexpended in their hands, taking his receipt therefor.

Compensation.

SECTION 7. The compensation of said commissioners shall be paid out of said fund aforesaid, and shall be two dollars for each day, and one dollar for each half day, to each member of the commission for the time actually and necessarily employed.

How construed.

SECTION 8. This act shall not be construed as hereby creating or attempting to create a corporation or a corporate organization under the laws of Wisconsin.

SECTION. 9. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1882.

[No. 12, S.] [Published February 28, 1882.]

CHAPTER 24.

AN ACT to authorize the Sisters of Notre Dame to remove the bodies remaining in the old Calvary Cemetery in the city of Milwaukee, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundaries.

Whereas, certain grounds now in the Fourth ward of the city of Milwaukee, and described as follows:

Part of the southwest quarter of section thirty (30) in the Fourth ward of the city of Milwaukee, bounded

and described as follows: Beginning fifty (50) links south from the north line of said quarter section and twenty-two and fifty one-hundredths (22 50-100) chains east from the west boundary line, and seventeen and fi ty one-hundredths (17 50-100) chains west from the east boundary line of said quarter section, thence south eight (8) chains, thence east eight and twenty-five one-hundredths (8 25-100) chains, thence north eight (8) chains, thence west eight and twenty-five one-hundredths (8 25-100) chains to place of beginning, containing six and sixty one-hundredths (6 60 100) acres, were purchased in the year 1845, by the Right Reverend John M. Henni, for a Catholic burying ground and known as Calvary Cemetery; and

Whereas, by reason of the growth of said city it was found necessary to discontinue the burial of the dead in said grounds, and other ground was purchased by said Right Reverend John M. Henni, in the town of Wauwatosa, to be used instead thereof, and which was consecrated on the second day of November, 1857, and is now known by the name of Calvary Cemetery, and most of the bodies were removed from the grounds within the said city to said last named cemetery; and

Whereas, no interments have been made in said cemetery situated in the fourth ward in said city of Milwaukee for many years; and

Whereas, the grounds within the city cannot be longer used as a cemetery, and the public interest requires that said cemetery shall be vacated and the ground appropriated to other uses; and

Whereas, the said R ght Reverend John M. Henni has conveyed said real estate to the "Sisters of Notre Dame" by deed bearing date the twenty-first day of November, 1874. Now, therefore,

SECTION 1. The "Sisters of Notre Dame," a corporation organized and existing under and by virtue of the laws of this state, is hereby authorized and empowered and it is made the duty of said corporation to procure suitable lots in Calvary Cemetery, and to remove, or cause to be removed, all the remaining bodies from the old cemetery in the Fourth ward of said city, formerly known as Calvary Cemetery, and have them decently interred in the lots so procured; such removal, however, to be after personal notice to the legal representatives of deceased, if known. **Calvary cemetery.**

SECTION 2. The "Sisters of Notre Dame," shall cause a notice to be published once a week, for six **Notice to be published.**

successive weeks, in a newspaper of general circulation published in the city of Milwaukee, notifying persons, claiming any right, title or interest in burial lots in said old cemetery grounds, to present the same to said "Sisters of Notre Dame," within ten days after the final publication of said notice in said newspaper, and any claim to title or interest in said burial lots which shall not be presented within the ten days, shall cease and be of no effect; and if the said "Sisters of Notre Dame" cannot agree with such persons as to the value of said interest, it may apply to the county court of Milwaukee county, which court shall appoint three arbitrators to examine and report what should be paid to such claimant for his or her right of burial in said lot, and upon the filing of said report, and the approval of the same by the court, and the payment into court of the sum so awarded, the interest of such claimant shall rest absolutely in said "Sisters of Notre Dame."

May use real estate for its own purposes.

SECTION 3. After the "Sisters of Notre Dame" shall have removed said bodies and complied with the provisions of section two of this act, and caused the said bodies to be removed, so far as practicable, it is authorized to use said real estate for its own purposes, to sell and convey said real estate for such price and upon such terms as it may seem advisable; and in case of sale the purchaser, or purchasers, shall by such conveyance become invested with a perfect and indefeasible title in fee simple, free and clear from all claims or interest of all owners of burial lots in said cemetery grounds.

SECTION 4. All acts and parts of acts, conflicting with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 25, 1882.

[No. 83 S.] [Published February 28, 1882.]

CHAPTER 25.

AN ACT providing for stationery and postage stamps to messengers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Stationery for messengers.

SECTION 1. There is hereby appropriated out of any money in the general fund, not otherwise appropriated, a sum sufficient to cover the expenditure of furnishing each of the messengers employed by the leg-

islature, stationery or postage stamps to the value of five dollars.

SECTION 2. The superintendent of public property is hereby directed to furnish stationery or postage stamps to each of the messengers employed by the legislature of the present session, not to exceed five dollars in value, to each such employee.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 25th, 1882.

[No. 121, A.] [Published March 1, 1882.]

CHAPTER 26.

AN ACT relating to the charter of the city of Wausau, and amendatory of chapter 323 of the general laws of 1880, entitled an act to revise, consolidate and amend the city charter of the city of Wausau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 323 of the general laws of 1880 is hereby amended so as to read as follows: Section 1. All that district of country included in the north half of section one in township number twenty-eight north, of range seven east, and sections number twenty-three, twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, in township number twenty-nine north, of range seven east, of the fourth principal meridian, in the county of Marathon and state of Wisconsin, shall be known and designated as the city of Wausau. Section 38 of chapter 323 of the general laws of 1880 is hereby amended by adding to said section the following: 36th. To authorize the building, construction and maintaining of street railways upon any of the public streets of said city, upon such regulations and conditions as the common council of said city shall prescribe, not inconsistent with the constitution and laws of the state of Wisconsin. Section 66 of chapter 323 of the general laws of 1880 is hereby amended so as to read as follows: Section 66. The treasurer shall receive and collect as fees one per cent. upon all taxes collected by or paid to him prior to the first Monday in January in each year, and three per cent. upon all taxes paid to or collected by him after the first Monday in January, and in case of a distress and sale by him of goods and chattels for the payment of any tax, he shall collect such fees as are allowed constables on sales of goods

Amendment.

and at or before the time designated, and according to the ordinance, the said common council shall cause such sidewalk to be built, or pavement, gutter or other improvement to be made forthwith at the expense of the owner so being in default; and the street commissioner or any person designated by said council shall superintend, hire competent men, buy suitable materials, and cause, under the direction of said council, such sidewalk to be built, or such other improvement to be made, and shall keep an accurate account of the expense in full, street commissioner's fees and all, against each person so in default, and make out a statement of the same against each, and after the said statement shall be duly verified by said street commissioner or other person so designated, he shall deliver the same to the city clerk, who shall in making out the next tax roll of the city after such delivery of statement, enter such unpaid expense in a column of such tax roll opposite to the description of the land against which such sidewalk or other improvement shall have been made, which expense so entered shall be a lien on said land the same as any other tax, and be collected the same as any other tax, and paid over and held by the city treasurer in the general fund of said city and paid out as such.

Repairing sidewalks, gutters, etc.

SECTION 96. Whenever a sidewalk or gutter shall be out of repair, and so remain for twenty-four hours, which in the opinion of the street commissioner, will not cost exceeding five dollars, in front of any one lot or piece of ground, and shall be dangerous to public safety or travel, it shall be the duty of the street commissioner to repair the same immediately, and certify the cost of the same against the owner of the lot or land to the city clerk, who shall enter the sum in the next tax roll against the proper lot, as a tax, which shall be a lein thereon, and collect the same as is mentioned in the foregoing section.

Let to the lowest bidder.

SECTION 97. The common council may, in its discretion by an affirmative vote, let to the lowest responsible bidder the construction of any sidewalk or gutter, or the making of any other improvement on or along any street or highway in the city, which shall be so mentioned or called for in the petition as above spoken of for the same, or may also so let the building of any sidewalk or gutter, or the making of any improvement in such street, in case of any default in doing the same, in accordance with the ordinance authorizing the same, and the expense of doing such work

and of making such improvements, shall be collected against each lot owner fronting on the same, on the verified statement of such bidder, in the same manner as provided in section 95.

SECTION 98. All the work mentioned in this chapter shall be done under the supervision of the street committee, and shall be approved by it before the same shall be accepted by said common council; and the cost and expenses of making all surveys, taking all levels and making all plans, plots or profiles for such work shall be chargeable to and paid by the city.

Done under supervision of street committee.

SECTION 99. The common council shall also, on complaint being made by any person or to any member thereof, or on its own knowledge, or that of any member thereof, that any sidewalk already established in the city is out of repair, that the same is dangerous and unsafe for public travel, and the cost of such repair will exceed the sum of five dollars, shall, by resolution, authorize and compel the owner or owners thereof to rebuild and repair the same without delay; and in case any such owner neglects or refuses to so rebuild or repair such sidewalk within three days after being notified of such resolution, the common council shall cause the street commissioner, or some other person designated by it, to rebuild or repair the same forthwith, and to certify the cost in full for the same against each lot so being in default, in the same manner as provided in section 95 of this title, and the city clerk shall place the same in the next tax roll in the same manner as therein provided; provided, that all kinds of real estate in the city exempt by the laws of the state from taxation for general purposes shall not be exempt from the burdens imposed by this chapter, but shall be subject to and pay such taxes for such improvements, gutters, sewers, pavements and sidewalks, or repairs on the same, as other real estate in the city in case the owner or owners thereof neglect to build or construct the same as hereinbefore provided.

Owners of sidewalks compelled to repair.

SECTION 3. This act shall take effect and be in force after its passage and publication.

Approved February 27, 1882.

[No. 79, S.] [Published March 2, 1882]

CHAPTER 27.

AN ACT to provide compensation for completing the transcribing of the senate and assembly journals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Money appropriated for transcribing journals.

SECTION 1. There is hereby appropriated to Charles E. Bross, chief clerk of the senate, out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty dollars, for completing the transcribing of the senate journal for the present session.

SECTION 2. There is hereby appropriated to E. D. Coe, chief clerk of the assembly, out of any money in the state treasury not otherwise appropriated, the sum of two hundred and seventy five dollars, for completing the transcribing of the assembly journal of the present session.

SECTION 3. The money hereby appropriated shall be paid by the state treasurer on the warrants of the secretary of state, which warrants shall be issued when the duties and labor herein provided for shall have been respectively performed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1882.

[No. 130, A.] [Published March 2, 1882.]

CHAPTER 28.

AN ACT to appropriate to the governor's contingent fund a certain sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor's contingent fund.

SECTION 1. There is hereby appropriated to the governor of the state of Wisconsin the sum of two thousand dollars, out of any money in the treasury not otherwise appropriated, for a contingent fund.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1882.

[No. 232, A.] [Published March 3, 1882.]

CHAPTER 29.

AN ACT to amend chapter 365 of the private and local laws of 1864, entitled "an act to incorporate the Sturgeon Bay and Lake Michigan Ship Canal and Harbor Company," approved April 2, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 365 of the private and local laws for the year 1864, is hereby amended by adding thereto the following sections: Amended.

SECTION 2. For the use and purpose of the construction and maintenance of a light-house thereon by the United States, it shall be lawful for said company to enter upon and take possession of the following described property, situate in Door county, to wit: Beginning on the shore of Green Bay, at the northeast (N. E.) corner of lot three (3), section twenty-three (23), township twenty-eight (28) north of range twenty-five (25) east; thence south two (2) chains; thence west two (2) chains; thence north sixty degrees (60°), west seven and 50-100 (7.50) chains to the shore of the bay; thence eastwardly along the shore to the place of beginning; containing one and 10-100 (1.10) acres, more or less; together with the right of way for a road twenty-five (25 feet wide off from the east side of said lot three (3), from the southeast corner of said above described lot to the shore of the inner bay, twenty-six and 46-100 (26.46) chains more or less, said inner bay being known as Sawyer's Harbor, for the use and purpose of the construction and maintenance at said harbor of a boat house and coal shed and a wharf for landing supplies for the light-house, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as shall be ascertained in the manner hereinafter provided. The title to such land shall vest in the company, and the said company shall possess the fee simple thereof for the purpose only, of conveying the same to the United States for the erection of a light-house thereon, not for profit or emolument to said company.

SECTION 3. The said company may apply by its president or attorney to the judge of the circuit court of the said county of Door, and it shall be lawful for said judge, on the application of said company as aforesaid, either in term time or vacation, and at the cost of said company, to appoint three disinterested persons not of kin to the owner or owners thereof, re- Estimate value of land.

siding in the county where the lands are situated, whose duty it shall be to view and examine the land above described, or any portion thereof, taken by said company, with improvements, if any, thereon, and to estimate the value of the lands so taken and all damages which the owner or owners thereof shall sustain by reason of the taking of the same, taking into consideration the advantages, if any, as well as the disadvantages, to the said owner or owners by reason of the construction of said lighthouse. If for any cause the place of any or all the commissioners when appointed shall become vacant, such vacancy may be filled upon application to the judge above mentioned.

SECTION 4. And it shall be the duty of said company by its attorney to give two weeks' notice of its application to the said judge of the circuit court of the appointment of said commissioners by publishing the same two successive weeks, at least once a week, in a newspaper published in the county where the lands are situated, and the affidavit of the printer shall be legal evidence of such publication.

Shall take oath.

SECTION 5. The persons so appointed as commissioners, before entering upon the discharge of their duties, shall take an oath before some justice of the peace or other judicial officer, that they will support the constitution of the United States and of the state of Wisconsin and faithfully, according to the best of their ability, examine the land or lands so taken or required by said company, and impartially estimate and appraise the value of the same, and the damages or injuries which the owner or owners of each piece or parcel thereof shall have sustained by the reason of the taking thereof by said company, over and above the benefits and advantages which said owner or owners of each piece or parcel derive from the construction of said light house.

Shall give notice to owners of land.

SECTION 6. The said commissioners shall, before proceeding in the valuation and assessment of damages, give ten days notice in writing to the owner or owners of the land above described of the time and place where such valuation and assessment of damages shall be made, which notice shall be served on the owner or owners by delivering to them a copy thereof, or by leaving the same at their last and usual place of residence with some person of suitable age and discretion; but if said owner or owners, or any of them, shall be minors or *non compos mentis*, such notice must be served upon their guardian or trustee, if any there

be, or if none, then in such manner as the said judge shall direct. And if there be any unknown owner or owners, or owner or owners whose residence is unknown, or non-residents, then in such cases notice shall be served upon such person or persons by publishing said notice once a week for two successive weeks in some newspaper published in the county where the lands are situated, and the affidavit of the printer or publisher shall be legal evidence of such publication.

Shall examine the premises.

SECTION 7. When qualified, and notice to owners is given as required, said commissioners shall proceed to examine the premises and ascertain the value of such land and the amount of damages, if any, over and above the advantages, if any, which may accrue to such owners by reason of the taking and the construction of said light house, and they shall make a report in writing under their hands and seals to the clerk of the circuit court for said county of Door of such valuation and damages, if any, and shall deliver the same to said clerk within fifteen days after such report, who shall file the same; and in case no appeal is taken from such award within twenty days thereafter the clerk shall proceed to record the same at the expense of said company, and judgment of the court shall be entered in favor of said owner or owners and against said company for the amount of such award, and whereupon the said company shall pay the amount of such award to the owner or owners or to the clerk of the circuit court of said Door county for the benefit of said owners.

May appeal from the award.

SECTION 8. Any party to the proceedings may, within twenty days after the filing of said report of the commissioners, appeal from the award to the circuit court, and from the circuit court to the supreme court in the same manner and with the like effect as provided in sections 1849 and 1850 of the Revised Statutes of 1878, in relation to appeals from awards for lands taken by railroad companies for right of way, and the provisions of said sections shall apply to appeals under this act so far as the same is consistent with the provisions of this act.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1882.

[No. 88, A.] [Published March 3, 1882.]

CHAPTER 30.

AN ACT to amend the title and section 1 of chapter 434 of the private and local laws of Wisconsin for the year 1871, entitled "an act to incorporate the Scandinavian Brother Association."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. The title and section 1 of chapter 434 of the private and local laws of Wisconsin for the year A. D. 1871 is amended as follows: Strike out the word "Scandinavian" whenever it occurs in said title and section 1, and insert in the place thereof the word "Danish"; so that the title shall be and read as follows: "An act to incorporate the Danish Brother Association." And section 1 shall be and read as follows: Section 1. That J. Rode, P. Johnson, J. P. Hanson, R. Madison, J. Larsen, C. Peterson, H. Rasmussen, P. Nielson, M. Daunn, H. Clausen, Otto Hansen, F. Peterson, Julius Peterson, Charles Peterson, F. Chrs. Nygaart, H. T. Nicholaison, M. Neilson, P. Madsen, Jens Neilson, H. P. Larsen, F. A. Olleson, Neils Anderson, John Schon, H. P. Skowey, A. J. Jacobson, Theodore L. Hanson, H. Peterson, A. Rasmussen, Charles Dyer, A. Paulson, Caspar Christienson, H. C. Jenson, H. Hanson, Jens. Jenson, J. C. Nielson, L. C. Madson, H. P. Anderson, O. C. M. Hanson, Rasmus Anderson, A. Schon. P. Neilson, H. P. Madson, J. Phillipson, H. Hanson, Jens. Christofferson, Rasmus Sonnen, L. Larsen, J. Christianson, J. Peterson, C. Peterson, J. Peterson, Peter Zuesen, D. Jepperson. Lars Oleson, Niels Anderson, Wilhelm Christiansen, H. Jergensen, N. Klover, and their associates and successors, be and are hereby constituted a body corporate by the name of the "Danish Brother Association," for the purpose of affording help and relief to their members, and of contributing to the expense of burying their dead, and for doing other benevolent acts, and also for holding meetings for social and instructive purposes.

Approved March 1, 1882.

[No. 36, A.] [Published March 3, 1882.]

CHAPTER 31.

AN ACT to amend chapter 240 of the laws of 1879, entitled an act to revise, consolidate and amend the city charter of the city of Fond du Lac.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Subdivision 5, of section 27, in title IV. of said chapter 240 of the laws 1879, is hereby amended so as to read as follows: 5. To provide for the public lighting of said city and for the lighting of all buildings owned, occupied or used by said city, by gas, electric light or other means. To make contracts with persons or corporations to supply or furnish light for said uses and purposes. To provide and maintain for said purposes by purchase, lease or otherwise, machines, towers, posts, apparatus, lamps, or either, or any of them, and other materials and supplies. To provide by lease buildings, rooms and the motive power for operating such machines and apparatus. To hire or procure necessary labor or services, and to protect and preserve the public lamps and any or all the property aforesaid, and to punish those injuring the same.

Council shall let to lowest bidder.

SECTION 2. Section 33, in title 4 of said chapter 240 of the laws of 1879, is hereby amended so as to read as follows: Section 33. The common council shall let by proposals to the lowest bidder and not otherwise, all contracts for services or work and materials or supplies and order payment for the same, except as is specifically otherwise provided by this act and may from time to time require any officer to furnish reports, information or estimates and to perform other and further duties than herein prescribed, if the council shall deem that the interests of the city so require. The provisions of this section shall not apply to any purchase or contract made under subdivision 5 of section 27 of this title, except as to the leasing of the motive power for operating any machines or apparatus for lighting and as to the purchase or contracts for the erection of towers, posts, lamps or other contrivances upon which lights are to be elevated or located. But no contract under the provisions of said subdivision 5, shall be made for the purchase, lease or use of any machines, towers, posts, lamps, engines or apparatus for lighting without a condition in such contract, that the common council may at its option, at any time within sixty days after the commencement of the use

thereof in actual lighting. reject such machines, towers, posts, lamps, engines or apparatus, and rescind such contract if not satisfactory to the common council. And no contract for the purchase of any such machines, towers, posts, lamps, or apparatus shall be made, or, if made, shall be of any legal validity against the said city, without a condition therein, that no part of the purchase money therefor shall be paid or be collectible until the vendor to or contractor with the city for such machines, towers, posts, lamps, or apparatus, shall furnish the city a good and valid bond of indemnity in a penal sum of twice the purchase or contract price for such machines, towers, posts, lamps, or apparatus, executed by at least three sufficient sureties, residents of this state, who shall justify thereon in the form prescribed for appeals to the supreme court in an aggregate sum of at least twice the amount of the penal sum named in such bond and approved by the common council, to fully protect the city from all loss, damages, costs, expenses, or interruptions in the use of such machines, towers, posts, lamps, or apparatus occasioned by any suit in law or equity against the city or its officers, agents, servants, or employees, brought by any party who shall have a paramount or prior patent, interest or title which the use of such machines, towers, posts, lamps, or apparatus infringes.

Approved March 1, 1882.

[No. 51, S.] [Published March 3, 1882.]

CHAPTER 32.

AN ACT to provide for the appointment of registers in probate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Register in probate.

SECTION 1. The county judge of the county of Dane shall appoint from time to time, subject to removal, a competent person to record the proceedings of the county court of Dane county, and the person so appointed shall be officially styled and known as "register in probate." Such register in probate shall, before entering upon the duties of the office, take and subscribe the constitutional oath of office, and file the same, duly certified in the office of the clerk of the circuit court for the county of Dane, and shall execute to the county of Dane a bond in the sum of three thousand dollars, with two or more sureties, to be approved

by the said county judge, conditioned for the faithful performance of the duties required by law to be performed by such register in probate; which bond, with approval indorsed thereon, shall be recorded in the office of the register of deeds of the county of Dane.

Duties of same.

SECTION 2. It shall be the duty of such register in probate to record all wills admitted to probate by the county court of the county of Dane, all letters testamentary, letters of administration, letters of guardianship, bonds of guardians, orders, judgments and decrees granted or made by said county court, and all other proceedings and matters required by law to be recorded in said county court.

Appointment may be revoked.

SECTION 3. The appointment of any such register in probate may at any time, in the discretion of said county judge, be revoked and annulled by said county judge, and whenever, for or from any cause a vacancy shall exist in said office of register in probate, such vacancy may be filled by appointment by said county judge.

Salary.

SECTION 4. Such register in probate shall receive the annual salary of six hundred dollars, which shall be paid by the county of Dane, and the county treasurer of the county of Dane shall pay the same quarter-yearly, and the same shall be in full compensation for the performance of the duties of such register in probate.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 8, S.] [Published March 8, 1882.]

CHAPTER 33.

AN ACT to appropriate the sums of money therein named to the charitable, reformatory and penal institutions of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriations for public institutions.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, to the institutions below named the following sums of money for the purposes specified, to-wit: To the Wisconsin State Hospital for the Insane, for current expenses to January 1, 1883, forty-three thousand dollars; for painting and repairs, three thousand and five hundred dollars; for fire hose, one thousand dol-

lars; for repairs and renewals to water and steam pipes and appendages, two thousand dollars; for curbing rear basement windows and grating, three hundred dollars; for railroad track scales, eight hundred dollars; for removing and building new bath rooms and closets, fifteen thousand dollars. To the Northern Hospital for the Insane, for current expenses to January, 1, 1883, fifty-two thousand dollars; for painting and repairs, three thousand dollars; for converting old chapel into rooms and furnishing the same for patients, six thousand dollars; for fire hose, two thousand and five hundred dollars; for fire main and hydrants, one thousand dollars; for removing coal shed and building carpenter shop, two thousand dollars. To the Wisconsin Industrial School for Boys for current expenses to January 1, 1883, thirty-three thousand dollars; for painting and repairs, two thousand dollars; for steam fire engine or pump, with pipe and other necessary appendages, five thousand dollars; for completing family building No. 10, bakery and well house, one thousand dollars. To the Wisconsin Institution for the Education of the Deaf and Dumb, for current expenses to March 1, 1883, thirty-five thousand dollars; for painting and repairs, eight hundred dollars; for providing efficient means for extinguishing fire and furnishing ordinary supply of water, five thousand dollars; for building water or earth closets, six hundred dollars. To the Wisconsin Institution for the Education of the Blind, for current expenses to March 1, 1883; for painting and repairs and building shed, eighteen thousand and eight hundred dollars. To the Wisconsin State Prison, for current expenses to March 1, 1883, fifteen thousand dollars.

Surplus money.

SECTION 2 Whenever any appropriation, which has been or may be made to any state institution for special purposes, is greater than may be actually required for the purpose specified, the surplus, if it does not exceed one hundred and fifty dollars, shall be transferred to and become a part the current expense fund of such institution, and any deficiency in a special appropriation, not exceeding the sum above named, may be paid from current expense funds.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 14, S.] [Published March 3, 1882.]

CHAPTER 34.

AN ACT to organize Price county for judicial purposes, and to fix the salaries of clerk of the court and district attorney therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. On and after March 1, 1882, the county of Price shall be fully organized for all judicial purposes. Organized.

SECTION 2. The first term of court therein shall be held in the court house at Phillips, in said county, on the last Tuesday in August 1882, and thereafter terms of court shall be held therein annually on the last Tuesday in January and the last Tuesday in August. Terms of court.

SECTION 3. The county board shall, on or before the first day of May, 1882, select jurors to serve at the first term of court, pursuant to section 2527 of the revised statutes. Select jurors.

SECTION 4. On or before March 1, 1882, the governor of Wisconsin shall appoint, in and for Price county, a clerk of the circuit court, who shall qualify and enter upon the duties of his office on or before March 20, 1882, and hold until the first Monday in January, 1884, and until his successor shall be elected and qualified. Clerk appointed.

SECTION 5. The salary of clerk of the court for said county for the first term is hereby fixed at the sum of two hundred and fifty dollars per annum, and the salary of district attorney for said county, for the term commencing on the first Monday in January, 1882, and ending on the first Monday in January, 1884, is hereby fixed at the sum of five hundred dollars per annum. Salary.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 4, S.] [Published March 3, 1882.]

CHAPTER 35.

AN ACT to appropriate money for the purchase of law books for the State Library.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of three thousand dollars for the purchase of law books for the state library. Money appropriated.

SECTION 2. The accounts for books purchased under this act, the prices being fixed and certified by the trustees of the state library, shall be audited by the secretary of state.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1882.

[No. 41, A.] [Published March 6, 1882.]

CHAPTER 36.

AN ACT to consolidate and amend chapter 322, laws of 1880, an act to consolidate and amend an act to incorporate the city of Madison and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER 1.

CITY OF MADISON—ITS CORPORATE POWERS.

Corporate powers.

SECTION 1. All that district of country in the county of Dane, hereinafter described, from and after the seventh day of March, in the year of our Lord one thousand eight hundred and fifty-six, shall be a city by the name of Madison, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Madison, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

CITY BOUNDARIES.

Boundaries.

SECTION 2. All of section six (6) except the east half of the southeast quarter; all of section seven (7) except the east half of the northeast fractional quarter, in township number seven (7) north, of range number ten (10) east; lots three (3) and four (4) in the southeast quarter of section twelve (12); also the southeast quarter of the southeast quarter of section twelve (12); all of sections thirteen (13) and fourteen (14), twenty-three (23) and twenty-four (24); all of the south fractional half of section fifteen (15); the east fractional half of section twenty-two (22); the east fractional

half of the southwest quarter of section twenty-two (22), and that part of the northwest quarter of section twenty-two (22) that lies north of the Milwaukee and Prairie du Chien railroad; so much of the north part of the west half of the northwest quarter of section twenty-six (26) as is covered by the recorded plat of "Greenbush addition to the village of Madison," and the northeast fractional quarter of section twenty-seven (27), in township number seven (7) north, of range number nine (9) east, of the fourth principal meridian, in the state of Wisconsin, together with the entire surface of Lakes Mendota and Monona to the shores at high water mark around the same, shall be included in and constitute the limits of the city of Madison.

WARD BOUNDARIES.

SECTION 3. The city of Madison shall be divided into five wards, as follows, to-wit: All that part of said city lying north and west of lines drawn through the centre of Wisconsin and Washington avenues, Washington street and the Mineral Point road, as far as Francis street, shall constitute and be known as the First ward. All that part of said city lying north and east of lines drawn through the centre of Wisconsin and Washington avenues and Winnebago road, to the city limits, shall constitute and be known as the Second ward. All that part of the city lying south and east of a line drawn through the centre of Monona and Washington avenues and Winnebago road shall constitute and be known as the Third ward. All that part of said city lying south and west of a line drawn through the centre of Washington and Monona avenues, Washington street and Mineral Point road, shall constitute and be known as the Fourth ward; and all that part of said city lying west of Francis street, bounded north by the Fourth lake and south by the Mineral Point road, west to the city limits, shall constitute and be known as the Fifth ward. Ward boundaries.

COMMON COUNCIL.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act. Corporate authority.

CHAPTER II.

ELECTIVE OFFICERS.

Terms of of

SECTION 1. The elective officers of said city shall be a mayor and a treasurer for the city at large, and three aldermen and one justice of the peace for each ward, which said officers shall hold their respective offices as follows: The mayor, treasurer and two aldermen in each ward for one year; one alderman in each ward and justices of the peace for two years. The mayor and treasurer shall be qualified voters and residents of said city, and the ward officers shall be qualified voters and residents of the respective wards for which they are elected. The term of officers shall commence on the third Tuesday in April in each year in which such officers have been elected. Each of said officers shall continue in office for his respective term and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

ANNUAL ELECTIONS — HOW CONDUCTED.

Elections.

SECTION 2. The qualified voters of the city of Madison shall hold an election on the first Tuesday of April in each year, for the election of city and ward officers herein designated, and shall be presided over by the inspectors of election appointed under the general laws of this state, who shall see the names of the voters registered, and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns; and the day following the election shall direct and return one of the said returns to the city clerk of the city of Madison, and the other to the county clerk of the county of Dane. The mayor of the city and such members of the common council as shall hold over shall constitute a board of canvassers, who shall, within five days after such election, meet at the common council chamber and canvass such returns; and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five in the afternoon. Said election shall be conducted in ac-

cordance with this act and with the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state.

VACANCIES — HOW FILLED.

SECTION 3. In the event of a vacancy in the office of mayor, justice of the peace or alderman, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other officers shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill. Vacancies.

ELECTION BY BALLOT — TIE VOTE.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the council shall be viva voce, except as hereinafter provided. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct. Elections; tie vote.

QUALIFIED ELECTORS.

SECTION 5. All persons who are qualified electors of the state of Wisconsin shall be deemed qualified electors of said city and ward. Qualified electors.

CHALLENGES — PENALTY FOR ILLEGAL VOTING.

SECTION 6. If either of the inspectors of election shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving any such vote, shall require the voter offering his vote to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty one years of age; that you are a citizen of the United States (or have declared your intention to become a citizen comformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election; and that you are a resident of this ward, and that you have not Challenges.

voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to prosecution, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their votes. And if any inspector shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to prosecution, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit or municipal court for the county of Dane.

Penalty for illegal voting.

Liability of inspectors.

SPECIAL ELECTIONS.

Special elections.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by inspectors of election, as provided by this act, and returns thereof shall be made in the same time, form and manner as of annual elections.

CLASSIFICATION OF ALDERMEN.

Terms of aldermen.

SECTION 8. The aldermen of each ward who are now in office shall continue in office until the expiration of the terms for which they were respectively elected; and there shall be elected annually, on the first Tuesday in April, in each ward, one alderman who shall hold his office for two years, and one alderman who shall hold his office for one year. The alderman in each ward having the highest number of votes shall be alderman for two years.

WHEN OFFICE DEEMED VACANT.

What to constitute vacancy.

SECTION 9. Any officer removing from the city,

and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the third Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

CHAPTER III.

OATH OF OFFICE — OFFICIAL BOND.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, chief of police, street superintendent and justices of the peace, and such officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Madison a bond, in such sum and with such security and such conditions as the common council may direct. And the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Oath of office.

Bonds.

MAYOR—HIS DUTIES—TO APPOINT POLICE—THEIR COMPENSATION.

SECTION 2. The mayor, when present, shall preside over the meeting of the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police and three policemen, which appointment shall be approved by the common council before they shall enter upon the duties of their office; and the compensation of the chief of police shall not exceed two dollars and fifty cents per day, to be determined by the common council; and the three policemen shall receive the fees allowed to constables for the same services, and in addition shall be paid such compensation per diem, not exceeding one dollar per day, as the council may determine. The mayor may also appoint as many special or temporary police on election days or other public or unusual occasions, as he may think proper. Such special policemen shall receive for their services

Powers and duties of mayor.

Of the police.

the same fees allowed by law to constables for similar services, and no per diem shall be paid to any special police officer of the city, except when a special order or direction of the mayor shall be given for that purpose, and not exceeding one dollar per diem for each officer so ordered to be compensated. When any such order or direction shall be given by the mayor he shall report the fact at the next meeting of the common council, with the name or names of the persons so to be compensated for such services, which order or direction, if not countermanded by the mayor, shall continue in force until disapproved by a vote of a majority of all the members elect of the council. The common council may by ordinance prescribe the powers and duties of police and other peace officers. The mayor shall communicate in writing to the common council, once a year, such information as he may deem necessary, and at all times give such information as the common council may require.

Powers of police—how prescribed.

FIRST MEETING OF THE COUNCIL — TO ELECT PRESIDENT.

Council to elect president.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, it shall proceed to elect by ballot, one of its number president, and in the absence of the mayor, the president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, the said president shall exercise all the power and discharge all the duties of mayor. In case the mayor and president shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer, who for the time being, shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council as acting mayor shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council.

Powers limited.

CITY CLERK — HIS DUTIES.

Powers and duty of clerk.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal, and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the

common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriation and orders drawn on the city treasury, in a book provided for that purpose, and shall also keep an accurate account with the treasurer and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations.

TREASURER—HIS DUTIES.

Duty of treasurers.

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk. The compensation of such treasurer shall not exceed eight hundred dollars annually, at at that rate for parts of a year, such compensation to be fixed and determined by the common council. And all the fees and per centage heretofore charged and collected by such treasurer shall still be charged and collected by him, and when so collected no part thereof shall belong to such treasurer, but the same shall be paid into the city treasury for the benefit of the city; and the salary of such treasurer, as determined by the common council, shall be paid in full for all his services as such treasurer, and shall be paid at such time or times as the common council may determine.

CHIEF OF POLICE — POLICEMEN — THEIR DUTIES.

Chief of police; his duties.

SECTION 6. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license moneys. He shall possess the power of a constable at common law, or by the laws of this state, and receive like fees. The said policemen of

Of policemen.

each ward shall be under the control and direction of the mayor and chief of police, and shall have all the powers and perform all the duties of a constable under the laws of the state of Wisconsin; provided, that the chief of police and ward policemen shall not go beyond the city limits to make arrests or to serve any process unless the cause for making such arrest or for issuing such process arise within the city.

MAY REQUIRE OTHER DUTIES.

Further duties may be required.

SECTION 7. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by it, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

PRINTING TO BE LET TO LOWEST BIDDER.

Printing let to lowest bidder.

SECTION 8. The common council shall annually provide that all printing authorized or required by it to be done for its use or for the city shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a daily newspaper, printed and published in the city of Madison, unless the bids of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publishers shall fail to bid. All ordinances and other proceedings required by this act, or by the laws or ordinances of the common council, to be published, shall be published in the newsprper selected under the provisions of this section. And the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavits of the length of time said ordinance, by-law or proceeding has been published; and such affidavits shall be prima facie evidence of the publication of such notice, ordinance, proceeding or by-law.

BOOKS, ETC., TO BE DELIVERED TO SUCCESSOR.

Penalty for not delivering books to successor, etc.

SECTION 9. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all

property, moneys, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

PEACE OFFICERS.

Of peace officers.

SECTION 10. The mayor, sheriff of Dane county, each and every alderman, justice of the peace, policeman and watchman, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all bystanders, and if need be of all citizens. If any person or bystander shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

MAY ELECT STREET SUPERINTENDENT, SURVEYOR, ATTORNEY AND BOARD OF EDUCATION.

Street superintendent, surveyor, attorney and board of education may be elected.

SECTION 11. On the third Tuesday of April, in each year, or within ten days thereafter, the common council may elect one superintendent of streets and a city surveyor, and a city attorney, and at the same time the said council shall elect one of its number to be a member of the board of education, each one of whom shall hold his office until the next third Tuesday in April; and the common council shall have power to fill, from time to time, vacancies that may exist in said offices.

SHALL ELECT ASSESSOR.

Assessor to be elected.

SECTION 12. The common council shall, on the first Monday of September in each year, or within twenty days thereafter, elect one assessor, who shall hold his office for the term of one year.

DUTIES OF ASSESSOR.

Duties of assessor.

SECTION 13. The assessor so elected shall assess all the taxable property of the city of Madison as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this

state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding the sum of five hundred dollars for the term for which he was elected.

DUTIES OF STREET SUPERINTENDENT.

Duties of street superintendent

SECTION 14. The superintendent of streets shall perform the duties, and under the restrictions and for the compensation prescribed in section seven of chapter six of this act, and such other duties as may be required of him by this act and the ordinances of said city, not inconsistent with this act.

ALL PLANS, ETC.—CITY PROPERTY.

Duty of surveyor.

SECTION 15. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fee and compensation for any service performed by him. all surveys, profiles, plans and estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

CHAPTER IV.

COMMON COUNCIL.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Madison do ordain," etc. The common council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

STATED AND SPECIAL MEETINGS.

Meetings. Powers of council.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members and enforce its rules; to punish by fine and imprisonment, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct and by a vote of two-thirds its members may expel any member for cause.

GENERAL POWERS OF COUNCIL.

SECTION 3. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of the trade, commerce and health, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances rules and by-laws are hereby declared to be and have the force of law; provided, they are not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws:

LICENSE SHOWMEN, ETC.

1st. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses, theatrical performances, billiard tables and bowling saloons, and to provide for the abatement and removal of nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed by the laws of the state, and that all licenses shall be granted to expire on the first day of September next following in each year. Showmen.

PROHIBIT GAMING.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, and other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council. Gaming and liquors.

PREVENT RIOTS, ETC.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly Riots, etc.

houses or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gaming.

CLEANSE NAUSEOUS PLACES.

Abatement of nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

LOCATE SLAUGHTER HOUSES.

Slaughter houses.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection of and use, or occupation of the same where the offal or filth thereof shall discharge into the waters of the lakes, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of the same or other explosive materials.

GRADE STREETS.

Grade streets.

6th. To provide for the making, grading, improving and repairing the streets of the city of Madison, and to provide for the making, constructing and repairing gutters and sidewalks in said city, and to prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or other materials or substance whatever.

PREVENT HORSE RACING.

Prevent horse-racing.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

RESTRAIN CATTLE.

Restrain cattle.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same.

DOGS.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance of said city.

PUTRID CARCASSES.

Putrid carcasses, etc..

10th. To prevent persons from bringing, depositing or having within said city or placing in the lakes

adjacent to the said city any putrid carcass or other unwholesome or nauseous substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, hides, or skins of any kind, or on default, to authorize the removal by some competent officer, at the expense of such person or persons.

POUNDS.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the construction and maintenance of water works and sewers; to regulate and to license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps and to provide for lighting the streets, public grounds and public highways, with gas or otherwise. Pounds.

BOARD OF HEALTH.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Board of health.

WEIGHT OF BREAD.

13th. To establish the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Assize of bread.

RIDING ON SIDEWALKS.

14th. To prevent all persons riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to such sidewalks. Riding on sidewalks.

FIREARMS, ETC.,

15th. To prevent shooting off firearms or crackers and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein or annoying to the citizens thereof. Firearms.

RESTRAIN DRUNKENNESS.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removal and punishing any person or persons who may be guilty of the same. Restrain drunkenness.

REGULATE RUNNERS.

17th. To retrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments. Regulate runners.

POLICE.

Police.

18th, To make rules and ordinances for the government and regulation of the police of the city.

PUBLIC MARKETS.

Public markets.

19th. To establish public markets, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions.

HAY, WOOD, ETC.

Hay, wood, etc.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

REMOVE SNOW, ETC.

To remove snow, etc.

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction of the objectionable substances by some officer of the city at the expense of such owner or occupant.

CONTAGIOUS DISEASES.

Contagious diseases.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages wherein are contagious and infectious diseases or disorders, and to make such dispositions of such persons as to preserve the health of said city.

AUCTIONS AND AUCTIONEERS.

Auctions and auctioneers.

23d. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise, and other property at public auction, and to grant licenses for the sale of goods, wares and merchandise, and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses; provided, it shall not be lawful to charge less than five dollars nor more than five hundred dollars for any such license for one year: and provided also, that nothing in this section shall

prohibit, or affect in any manner, sales at auction in cases specified in section 1585 of the revised statutes.

WATCHMEN.

24th. To appoint watchmen and prescribe their duties. Watchmen.

WEIGHTS AND MEASURES.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using or keeping any false weights and measures. Weights and measures.

26th. The common council shall have jurisdiction over the entire lakes bordering on the city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, inlets to or outlets between the same, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time; and may also, by ordinance or resolution, prevent any deterioration of the said waters, or any nuisance being cast therein by which the health of the inhabitants of the city or the purity of the water shall be impaired, as it shall deem expedient. Jurisdiction over lakes.

TREES.

27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same. Trees.

28th. The common council shall have power to grant permission for the construction of drains to empty into either of the lakes adjoining the city; provided, that all such drains shall be constructed of metal or cement pipe, and shall empty into the water where it is at least six feet in depth. Drains to empty into lakes.

APPROPRIATIONS — DEBT — VETO — ORDINANCES TO BE PUBLISHED.

SECTION 4. No appropriation shall be made or liability incurred against the city except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money whereby a debt shall be created against or a liability incurred by the city shall be ap- Appropriations, etc.

Ordinances to be published.

proved by the mayor before the same be in force; all ordinance shall be published in a public newsp printed in the city of Madison, to be selected by common council, before the same shall be in fc and within fifteen days after publication, such pub tion being duly proved by the affidavit of the pri or foreman of the printers of such newspaper, the clerk shall record such ordinance and affidavit book provided for that purpose and such affidi shall be prima facie evidence of such publication.

COMMON NUISANCES.

Common nuisances.

SECTION 5. The power conferred upon the council to provide for the abatement or removal nuisances shall not bar or hinder suits, prosecutions proceedings in the courts according to law. Gambli houses, houses of ill-fame, disorderly taverns, a houses or places where spirituous, vinous or ferment liquors are sold without the license required therefo houses or buildings of any kind wherein more tha ten pounds of gunpowder are deposited, stored c kept, at any one time, are hereby declared and shall b deemed public or common nuisances.

AUDIT ACCOUNTS — MAY REQUIRE EXHIBITION OF BOOKS AND VOUCHERS.

Audit accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent, and all other officers or agents of the city, at such time as it deems proper, and also, at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two-thirds of its members, upon reasonable notice, for cause, to

To exhibit books and vouchers.

ve from office any officer of the city, elected by ommon council, or whose appointment shall have confirmed by it.

CHAPTER V.

OPENING STREETS, ETC., BY PETITION.

Opening streets by petition.

ECTION 1. The common council shall have power ay out public squares, grounds, streets and alleys, to widen the same as follows: Whenever ten or re freeholders residing in any one ward shall by ition represent to the common council that it is essary to take certain lands within the ward where h petitioners reside for the public use, for the purse of laying out public squares, grounds, streets or als, or the enlarging or widening of the same, the urses and distances, metes and bounds of the lands oposed to be taken, together with the names and sidences of the owners of such premises if the same hall be known to the petitioners, to be set forth in ach petition, the common council may then, by resoution, resolve to grant the prayer of said petitioners; nd it shall forthwith cause an accurate survey and plat of all lands necessary for said purposes, to be nade and filed with the city clerk, and it may purchase or take by donation such grounds as shall be needed, by agreement with the owner, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution declare its purpose to take the same and therein describe by metes and bounds the location of the proposed improvement and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place, when and where it will apply to the county judge of Dane county for a jury to condemn and appraise the same.

Notice to be given.

SECTION 2. It shall thereupon cause to be made by the city clerk a notice of the adoption of said resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge, for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street superintendent or any policeman of said city, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons

Ordinances to be published.

proved by the mayor before the same be in force; and all ordinance shall be published in a public newspaper printed in the city of Madison, to be selected by the common council, before the same shall be in force; and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, the city clerk shall record such ordinance and affidavit in a book provided for that purpose and such affidavit shall be prima facie evidence of such publication.

COMMON NUISANCES.

Common nuisances.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor; houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept, at any one time, are hereby declared and shall be deemed public or common nuisances.

AUDIT ACCOUNTS — MAY REQUIRE EXHIBITION OF BOOKS AND VOUCHERS.

Audit accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent, and all other officers or agents of the city, at such time as it deems proper, and also, at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two-thirds of its members, upon reasonable notice, for cause, to

To exhibit books and vouchers.

remove from office any officer of the city, elected by the common council, or whose appointment shall have been confirmed by it.

CHAPTER V.

OPENING STREETS, ETC., BY PETITION.

Opening streets by petition.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any one ward shall by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises if the same shall be known to the petitioners, to be set forth in such petition, the common council may then, by resolution, resolve to grant the prayer of said petitioners; and it shall forthwith cause an accurate survey and plat of all lands necessary for said purposes, to be made and filed with the city clerk, and it may purchase or take by donation such grounds as shall be needed, by agreement with the owner, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution declare its purpose to take the same and therein describe by metes and bounds the location of the proposed improvement and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place, when and where it will apply to the county judge of Dane county for a jury to condemn and appraise the same.

Notice to be given.

SECTION 2. It shall thereupon cause to be made by the city clerk a notice of the adoption of said resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge, for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street superintendent or any policeman of said city, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons

in an action in the circuit court, and the return of the officer shall be conclusive evidence of the facts stated therein. If the notice cannot be so given as to all of the parcels, then the same shall also be published once in each week for three consecutive weeks, in a newspaper published in said city; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and such publication made for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice be a minor or of unsound mind, the county judge shall, before proceeding on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the county judge, and act for such ward.

Proof to be filed with county judge.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice as provided in the last section, shall be filed with the county judge who shall thereupon make a list of twenty-four competent jurors, residents of said city, but not residents of said ward nor interested in said application. He shall hear and decide any challenges for cause or favor made to any one, and if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of said county judge, each party, the common council by the city attorney of said city on the one side, and the owners of land or their agents present, or if none be present, or if they disagree, a disinterested person appointed by the county judge, on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining, the county judge shall issue a precept, requiring them at an hour, on a day named, not more than ten, nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, in the said proceeding, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the street superintendent or any policeman of said city, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode, in presence of a member of his family.

SECTION 4. The jurors summoned shall appear at the time and place named; and if any be excused by the county judge, or fail to attend he shall direct other qualified disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The county judge shall then administer to them an oath, that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law. Summons of jurors.

SECTION 5. Under the direction of said county judge the jury shall view the lands to be taken, and shall sit before him to hear such competent evidence as shall be produced by any party; and for such purpose, such county judge shall possess the same powers as a court in session, with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by it, in which it shall find whether it be necessary to take such lands or any part thereof, for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damages to each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each, by reason of the taking thereof; in estimating which it shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the consent of the jury, and shall be thereupon discharged, and its verdict filed by the county judge. In case the jury shall fail to find a verdict, another jury shall be then and there selected, and shall be summoned and sworn, and shall proceed in the same manner. Jury to view lands.

SECTION 6. Within ten days after such verdict, any land owner, whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part, what part, and therewith an undertaking with two sufficient sureties, to be approved by the county judge, to pay all costs that may be awarded against such appellant on appeal, and paying said Owner may appeal.

county judge for his return thereof. The city may likewise appeal from the award of damages to any owner, by filing with such county judge a notice of appeal specifying whether the appeal is from the whole award of such owner, or a part, and if a part, what part, and paying said county judge for his return on said appeal. Any party not so appealing shall be forever concluded by such verdict. Upon an appeal being taken, the county judge shall transmit to the clerk of the circuit court within ten days the notice of appeal and undertaking, and thereto annex a copy of all the papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the city clerk shall record all such proceedings.

Transcripts to be filed with clerk.

How appeal to be tried.

SECTION 7. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury, unless waived; and costs shall be awarded against the appellant, if a more favorable verdict be not obtained than the one appealed from; otherwise, against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Condemning of land.

SECTION 8. If the verdict of the jury shall determine that it is necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out or widening any such street, public square, grounds or alleys, but shall not enter upon any such land therefor until the owner be paid in full the damages awarded him by such verdict or appraisement, or such damages be set apart for him in the hands of the city treasurer, there permanently to remain subject to his order. At any time before causing such land to be actually taken, or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when it re-

covers costs in the circuit court or supreme court. All jurors and witnesses in proceedings under this chapter, shall receive the same fees as jurors and witnesses in the circuit court.

SECTION 9. For the payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the common council of said city may, by resolution, levy and assess the whole or any part not less than one half of such expenses as a tax upon such property, as it shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known and the amount levied thereon set opposite. Such resolution, signed by the mayor and city clerk, shall be published once in each week for two weeks in a newspaper published in said city, and a notice therewith that, at a certain time therein stated, the said common council will meet at its usual places of meeting and hear all objections which may be made to said assessment, or to any part thereof, at the time so fixed the said common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and at the conclusion of such hearing may modify such assessment in whole or in part, and shall adopt a resolution which shall be published in the same manner as ordinances of said city, levying said assessment as the same shall have been finally determined by said common council. The sums so assessed shall be a lien upon said lands upon which they are assessed, from the date of the passage of said resolution, and the said several amounts shall be entered against said lot or lots, in the tax roll, in addition to and as a part of all other city taxes therein levied on such land, to be collected therewith. Payment of expenses, etc.

CHAPTER VI.

ORDINANCES, ETC., FOR STREET IMPROVEMENTS.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving any street at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be Of ordinances for repair of streets.

passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of the said city.

MAY ESTABLISH GRADES.

May establish grades.

SECTION 2. The common council of the city of Madison shall have power to establish the grade of the streets of the city of Madison, and to change and re-establish such grade as it shall deem expedient; provided, that whenever it shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade shall have his right of action against the city for the recovery of such damages, but no suits shall be commenced against the city therefor, until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

DUTY OF SUPERINTENDENT.

Street superintendent.

SECTION 3. It shall be the duty of the superintendent of streets to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters of the lakes and water courses in said city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in said city; unless the common council shall otherwise provide.

SIDEWALKS—HOW CONSTRUCTED AND REPAIRED.

How sidewalks to be constructed and repaired.

SECTION 4. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council by ordinance, resolution, or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable, responsible

bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until thirty days after notice shall been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city.

COUNCIL MAY ORDER BUILDING OF SIDEWALKS.

Council may order building, repair, etc., of sidewalks.

SECTION 5. The common council shall have power, by a vote of two-thirds of all the members of the council, to order the building, construction, reconstruction or repair of sidewalks in the city of Madison, in such manner as it may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks, and shall open them in presence of the council, which shall award the contract to the lowest responsible bidder; provided, such bid is a reasonable one, subject to such provisions, in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in the opinion of the superintendent of streets, will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the costs of such repairs, specifying the lot and block, or piece or parcel of land, in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot or piece or parcel of land, if a resident of the city of Madison, for

Work to be paid by tax levied for that purpose.

payment; and if the owner of such lot or piece or parcel of land, shall refuse or neglect to pay for the same for ten days, then the clerk shall report the fact to the council and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Madison, the said superintendent shall return said account to the common council with his certificate stating that fact, and the council thereupon levy a special tax to pay the same, in the manner in this section provided; no order for the original construction of any sidewalk shall be held valid, unless the owner of the property to be taxed therefor, if a resident of the city, shall have two weeks' previous notice, in writing, of the proposed action of the council before such action is taken, and whereby such resident owner may be heard by the council, if objecting thereto, and such notice to be served by leaving the same at his usual place of abode by some officer of the city to be designated by the council.

POLL TAX — HOW COLLECTED AND EXPENDED.

Poll tax.

SECTION 6. Every male inhabitant in the city of Madison over twenty-one years of age, and under fifty, except active members of the fire department, shall pay into the city treasury annually the sum of one dollar each as a poll tax. The assessor shall, at the time of assessing the annual taxes in each year, make out duplicate lists of persons liable to pay such tax, and deliver one of said lists to the city clerk, and one to the city treasurer at the time he returns to the city clerk his assessment roll of real and personal property of the city of Madison. The said assessor, in making such lists shall designate the ward in which each person on said list resides; and the city treasurer shall collect the same at the time of collecting the annual taxes, and all such taxes shall be paid to the city treasurer on or before the first day of February next after the delivery of said lists to him; and all persons liable to pay said tax, who shall not have paid the same within five days after demand, either personally or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Madison. The process in such case shall be by warrant, and in case

Collection of poll tax.

judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail, not to exceed ten days. The treasurer shall credit each ward of the city with the amount collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction of the senior alderman of each ward, and at his request, under the supervision of the superintendent of streets, on the repair and improvement of streets of their several wards, and to be drawn out upon itemized account certified to by the said senior alderman, and audited by the common council. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property; provided, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the superintendent of streets that such person has performed one full day's labor shall be received by the city treasurer in full discharge of such tax.

Disposition of poll tax.

STREET SUPERINTENDENT — HIS DUTIES — COMPENSATION.

SECTION 7. The superintendent of streets shall before entering upon the duties of his office, execute to the city a bond in the penal sum of one thousand dollars, with two sufficient sureties, to be approved by the council conditioned for the faithful performances of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets; he shall expend the money realized from the poll tax in each ward at such place in each ward as shall be designated by the senior alderman thereof; he shall, on the first day of September in each year, report to the council, in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how and when expended;

Bond, duties and compensation of street superintendent.

and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so for as the same relates to streets, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than three dollars for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the common council shall so determine, and shall receive for his services as such superintendent such sum per day as the council shall determine, not more than one dollar per day.

MAY ADVERTISE AND LET TO LOWEST BIDDER.

Work to be let to lowest bidder.

SECTION 8. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of all the members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street in said city which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which such sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

MAY CONTRACT FOR GRADING, ETC., OF STREETS.

Grading streets, etc.

SECTION 9. The common council of the city of Madison shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner hereinafter mentioned, and direct and control the persons employed therein.

COST OF STREET IMPROVEMENTS.

Cost of street improvements.

SECTION 10. The cost and expense of surveying streets, alleys, sewers and gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys shall be chargeable to and payable wholly or in part by the lots or land fronting on such street or alley, so that

each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley, or such proportion thereof as the common council shall determine, or out of the general fund; sewers and gutters may be ordered by the common council and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed; provided, however, that when sewers or gutters are constructed through alleys, no lots shall be assessed therefor except those situated in the block through which such sewers or gutters may be constructed: and provided further, that in all cases when improvements or work of any kind are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground.

ESTIMATES TO BE MADE — WORK MAY BE LET BY CONTRACT OR PERFORMED BY CITY.

Estimates to be made.

SECTION 11. Whenever the council shall determine to make any public improvement, as authorized by this chapter, it shall cause to be made an estimate of the whole expense thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground as aforesaid; and such estimate shall be filed in the office of the city clerk for the inspection of parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same, to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as it shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city.

Contracts.

DEEP CUTTING AND EXTRAORDINARY FILLING.

Deep cutting and fill ng.

SECTION 12. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing that the expenses of such excavation or filling will exceed the proportion that should be justly and equitably charged upon the property assessed therefor, the council shall require the chief of police to summon five freeholders, not residents of the ward nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and, if in their opinion, the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots or parcels of land on the street so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof in writing, as soon as practicable, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided; in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit as determined by said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected; provided, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expense of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same on the filing of the petition; provided, also, that the petition of no owner feeling himself aggrieved shall be received unless the same shall be presented within twenty days after the publication of the notice requiring the same to be done; and provided further, that when it shall appear to the council that any such lands belong to non residents, infants or persons laboring under legal

disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

WHO TO SUPERVISE WORK.

SECTION 13. All work provided for in this chapter shall be done under the supervision of the mayor, superintendent of streets and city surveyor, and shall be approved by them before it shall be accepted by the council. Who to supervise work.

WHEN CONTRACTOR ENTITLED TO CERTIFICATE.

SECTION 14. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street superintendent and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same was chargeable, which said certificate may be transferred by indorsement thereon: and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of and respectively as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment; provided, that in no event where work is ordered to be done at the expense of any lot or parcel of land shall the city be held responsible for, or on account thereof, or for any proceedings for the collection or the pay therefor. Street commissioner to issue certificates.

CHAPTER VII.

WHO CONTROL FUNDS.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by vote of the common council, and in no other manner; and all certificates Council to control funds.

drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

INDEBTEDNESS — HOW CONTRACTED — BONDS.

Contracting debts.

SECTION 2. The common council shall have no power or authority, and it is hereby prohibited from borrowing any money or from authorizing any city officer to borrow money for the use of the city; nor shall it have power or authority to issue any bonds or to contract or create any debt for any purpose whatever, unless there is money in the treasury for the payment of the same, except for such work on the street as shall be paid for by special tax or assessment on the property benefited thereby, and except as hereinafter expressly provided. The common council shall have power to refund existing indebtedness and to issue bonds therefor, payable within twenty years, and at a rate of interest not exceeding five per cent. per annum; it shall also have power to borrow money for the construction of water works, and to issue bonds therefor, payable within twenty years, and at a rate of interest not exceeding five per cent. per annum, payable in advance; and no bonds shall be issued unless the same shall be authorized by a vote of not less than two-thirds of all the members of the common council, taken by ayes and noes at a regular meeting thereof, and duly recorded upon the journal of the council; and such bonds shall not be sold or disposed of for less than their par value. No certificate of indebtedness shall be drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act.

PENALTIES, ETC., PAID INTO GENERAL FUND.

Penalties paid into the general fund.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become a part of the general fund, except as otherwise provided by this act.

PROPERTY SUBJECT TO TAXATION.

Property subject to taxation.

SECTION 4. All property, real and personal, within the city, except such as may be exempt by the laws of

the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors and make such rules and regulations in relation to revising, altering or prefecting such rolls as it may from time to time deem advisable.

HOW FUNDS APPLIED.

Application of funds.

SECTION 5. All funds coming into the city treasury shall be appropriated and used exclusively for the purposes for which said funds were raised, and for no other purpose whatever, and any conversion or appropriation of any of the funds of the city to persons, or for purposes not authorized by the city charter, by the common council, shall be deemed a misdemeanor on the part of each and every member of the common council voting for the same, and each and every member thereof so voting may be prosecuted and punished as provided in section twelve of chapter eleven of the city charter for similar offenses. It shall not be lawful for the city treasurer to pay out any funds in his hands that were raised for any particular or specified purpose, on appropriations or orders made by the common council, for any other purpose than that for which such funds were raised, And any violation of this act shall be deemed a misdemeanor, and upon conviction thereof, such treasurer shall be fined in a sum not less than ten nor more than one hundred dollars and costs of suit, and shall also be liable on his official bond for the repayment of all such sums of money; and the city or any person or persons having claims against the fund so misapplied may sue for and recover the same.

FISCAL YEAR—TAXATION FOR GENERAL PURPOSES.

Taxation for general purposes.

SECTION 6. The fiscal year of the city of Madison shall commence on the first day of September, on which day or as soon thereafter as the certificate of the county clerk, stating the amount of state and county taxes apportioned to the city of Madison shall be received, the clerk shall notify the mayor, who shall call a special meeting of the council as soon as practicable, at which meeting or within five days thereafter

the council shall, by resolution, determine what amount of money, including the estimated revenues of the city not derived from direct taxation, for the current fiscal year, will be required for all city purposes during that year; and the council shall thereupon, by resolution, levy a tax, which, together with the tax required to be levied for state, county and county school purposes, and for delinquent taxes of the preceding year, shall not exceed in amount two per cent of the assessed value of the real and personal property of the city for that year. Of the amount so levied, a sum equal to three-tenths of one per cent. of the assessed valuation of the real and personal property of the city shall be set apart and used for the payment of interest and principal on the bonded debt of the city, so long as any such debt shall remain unpaid. And a further sum, equal to four-tenths of one per cent. of the assessed valuation of the real and personal property of the city or such less sum as the board of education may, by resolution determine to be sufficient, shall be set apart and used for the payment of the current and contingent expenses of the city schools, and for no other purposes whatever; and the sum of three-tenths of one per cent. shall be set apart to the water fund hereinafter provided for; and such sum as shall be included in the estimates, made in pursuance of this section, for the Forest Hill Cemetery, shall be set apart, and used for the payment of the expenses of maintenance of said cemetery and for no other purpose. And the remainder of the tax levied under the provisions of this section shall constitute the general fund of the city. All resolutions for the purpose of levying taxes shall require for their passage an affirmative vote of two thirds of all the members of the common council.

TAXES TO BE A LIEN UPON PROPERTY.

Taxes to be a lien on property.

SECTION 7. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfers of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

ASSESSMENT ROLL, TRANSMITTED TO COUNTY CLERK.

SECTION 8. Before the annual meeting of the board of supervisors of the county of Dane, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said board at its annual meeting. Assessment roll to be transmitted to clerk.

EQUALIZATION.

SECTION 9. The board of supervisors shall have the right to regard the city of Madison as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards. Equalization.

HOW BOARD OF SUPERVISORS PROCEEDS.

SECTION 10. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law, in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. How board of supervisors proceeds.

ASSESSMENT ROLL.

SECTION 11. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county, school and city taxes together, and carry the amount thereof into one column; but in such case he shall specify the per centum upon one dollar of valuation of state tax, Of assessment roll.

county tax, school tax and city tax, separately. in his warrant to the treasurer for the collection of such taxes.

TAX LIST TO BE EVIDENCE OF REGULARITY.

Tax list to be evidence.

SECTION 12. The tax list made out and preserved as aforesaid shall be prima facie evidence in every court of record of this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from election of officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law.

DUPLICATE COPY FOR TREASURER.

Duplicate copy for treasurer.

SECTION 13. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in the said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the second Monday of December of the said year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

TREASURER TO COLLECT HIS FEES.

Treasurer to collect.

SECTION 14. The city treasurer upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall charge and collect no fee whatever on any tax paid on or before the tenth day of January in each year, and upon all taxes paid after that day, he shall charge and collect two per cent. fees, to be added to the amount of taxes, and collected with the same; and all fees so collected by him shall be paid into the general fund of the city.

WHEN SHALL MAKE DELINQUENT LIST.

Delinquent tax list.

SECTION 15. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Dane county, a list of all lands, lots and personal property upon which taxes

have not been paid, and shall add to said taxes remaining unpaid five per cent. upon all delinquent lands or lots so returned by the city treasurer to the county treasurer of Dane county, and shall make return of said taxes, with said five per cent. added, and shall also settle with, and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall extend to and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

WHO TO SELL DELINQUENT LANDS.

Delinquent lands to be sold.

SECTION 16. The county treasurer shall sell all delinquent lands and lots returned from the city of Madison, at the same time, and in the same manner as other delinquent lands are sold in said county.

NO PROPERTY EXEMPT FROM SPECIAL TAXES.

No property exempt from special tax.

SECTION 17. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same.

OF ERRORS.

Errors.

SECTION 18. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate or vitiate or any wise affect the validity of the assessment or tax; provided, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying a tax.

CERTIFICATES NOT RECEIVABLE FOR INDEBTEDNESS.

Tax certificates not receivable for indebtedness.

SECTION 19. The city treasurer shall not receive from the treasurer of the county of Dane, tax certificates in payment of any indebtedness which may become due from said county to said city. The city shall contract no debt, and the common council shall make no appropriation during any fiscal year for city purposes greater than the amount determined upon, as provided in this chapter, for such purpose, together with the amount of money which may at any time be in the city treasury, derived from other sources than taxation.

NO SCRIP OR OTHER EVIDENCE OF DEBT TO BE ISSUED.

No evidence of debt to be issued.

SECTION 20. No scrip, certificate, treasury order, nor other evidence of debt shall hereafter be issued or

authorized by the common council of the city of Madison, except as provided in this act; but whenever the common council shall lawfully appropriate money to any party, to be paid out of the city treasury, the mayor and city clerk shall certify the fact directly to the city treasurer, in the order in which such appropriations are made, specifying in said certificate also the purpose for which said appropriation was made; and said treasurer shall pay the amounts so appropriated and certified in the order in which they are so certified, out of any funds in his hands belonging to the city, taking proper receipts therefor and filing them in his office, and the city funds shall be paid out of the treasury in no other manner whatsoever.

MAY LEVY TAXES TO PAY JUDGMENTS.

Council may levy taxes.

SECTION 21. The common council shall have power, by a two-thirds vote of all the members thereof, to levy a tax or taxes to pay any or all judgments against the city.

TREASURER MAY BE REMOVED.

Treasurer may be removed.

SECTION 22. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office and appoint a suitable person to fill the vacancy.

ACCOUNTS TO BE VERIFIED.

Accounts to be verified.

SECTION 23. All accounts or demands against the city, before the same shall be allowed, shall be verified by affidavit, except salaries and amounts previously fixed or determined by law; and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury.

APPROPRIATIONS TO BE AUTHORIZED BY COUNCIL.

Appropriations to be authorized by council.

SECTION 24. No money shall be appropriated or drawn out of the city treasury, except in payments of accounts or demands allowed by the common council, and no interest shall be allowed or paid on any city order or certificate whatever: provided, however, that when the city, being duly authorized thereto, shall borrow money, certificates of appropriations therefor may be issued, payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not exceeding seven per centum per annum, and when so drawn and signed

by the mayor and clerk, interest shall be paid thereon as therein expressed.

WHEN ACTION MAINTAINED.

SECTION 25. No action shall be maintained by any person against the city of Madison upon any claim or demand until such person shall first have presented his claim or demand to the common council for allowance. When action maintained.

DISALLOWANCE OF ACCOUNT TO BE FINAL.

SECTION 26. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive and a perpetual bar to any action in any court founded on such claim, except that such person may appeal to the circuit court, as provided in section twenty-eight of this chapter. Disallowance of accounts to be final.

SECTION 27. In case any person shall present his claim or demand to the common council, and the said common council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again, and such claimant, if he desires, may prosecute his said claim by appeal to the circuit court, and not otherwise.

CLAIMANT MAY APPEAL TO CIRCUIT COURT.

SECTION 28. When any claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of the council disallowing such claim to the circuit court of the county of Dane, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision, and executing a bond to the said city with sufficient surety, to be approved by the said clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant by the court. The clerk, in case, such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Dane county. Claimant may appeal to circuit court.

NOTICE OF APPEAL.

SECTION 29. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first meeting thereafter. Notice of appeal.

CHAPTER VIII.

FIRE DEPARTMENT — FIRE LIMITS.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

MAY REGULATE BUILDING OF CHIMNEYS, ETC.

Regulation of building chimneys.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; and to regulate and to prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons and to compel by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Preservation against fire.

ENGINES — FIRE COMPANIES.

Purchase of fire engines.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up; and such apparatus may be sold if the

common council so direct, and the proceeds of such sale shall be paid into the city treasury. Each company shall consist of such number of able bodied men as the common council may by ordinance prescribe, between the ages of fifteen and fifty, and may elect its own officers and form is own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from highway work, poll tax, from serving on juries, and from military duty, during the continuance of such membership. Fire companies.

ENGINEERS — FIRE WARDENS.

SECTION 4. The common council at its regular meeting in March in each year, shall elect one chief engineer and two assistant engineers of the fire department, and one fire warden for each ward, who shall perform such duties as the common council shall prescribe, and who may at any time enter into or open any house, storehouse or other building or enclosure, for the purpose of inspecting the same and with a view to guard against fire. Engineers, fire wardens.

ARREST FOR DISOBEDIENCE OF ORDERS.

SECTION 5. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the chief of police, policeman, watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of every person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars. Arrest and penalty for disobedience of orders.

SACK COMPANY — HOW ORGANIZED.

SECTION 6. The common council shall have power to organize a sack company, which shall be known as sack company number one, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The Sack company.

members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Madison, and are hereby vested with all the power and authority which now is or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regulations as it may seem necessary, not inconsistent with this act and the laws of this state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully perform the duties of their said office; and when any member of said company shall cease to be a member thereof, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

CHAPTER IX.

WATER WORKS.

Authorized to construct water works.

SECTION 1. The common council is hereby authorized and empowered to construct, maintain and operate a system of water works for fire protection and for the supply of pure and wholesome water for public and private use in said city; for that purpose it may acquire such real estate for the erection of buildings, for sinking wells or building reservoirs and for laying mains and pipes as it may deem necessary and proper. It may also provide for the erection of such buildings, the purchase of all necessary engines, pumps and machinery, and for the purchase and laying of pipes and for the supply of such other apparatus and fixtures as shall be required to construct, maintain and operate such water works on the most approved methods and in the most efficient manner; provided, that if it be found practicable said water shall be supplied by direct pressure, and from artesian wells.

To lay mains, etc.

SECTION 2. The said council shall have power to lay water mains and pipes in and through all the pub-

lic grounds, streets and alleys of said city; to construct jets and hydrants for public use, and fountains at such places in said city as it shall deem proper. And said council, its officers, agents and servants, are authorized to enter upon any land or water within the limits of said city for the purpose of making examinations or surveys in the performance of their duties under this chapter; and generally to acquire all real and personal property, and made all contracts, and to perform all work that may be deemed necessary and proper from time to time in the construction and operation of the water works provided for in this chapter.

May take real estate.

SECTION 3. Whenever any real estate or any easement therein or use thereof, shall, in the judgment of said council, be necessary for the construction and operation of said works, and for any cause an agreement for the purchase thereof cannot be made with the owner of the same, the said council shall thereupon proceed to take such real estate, easement or use as provided in chapter five of this act for taking lands for public squares, grounds, streets and alleys, except that no petition shall be necessary therefor, and that no part of the costs and expenses incurred in taking and paying for such property shall be assessed against the owners of property who may be benefited thereby unless the common council shall so expressly determine and direct; but all the other provisions of said chapter five shall apply to the taking of such real estate, easement or use, for the construction of such works as far as the same may be applicable.

Water fund—how raised and expended.

SECTION 4. There is hereby created for the said city a separate fund, to be called the water fund; there shall belong to such fund all bonds and proceeds thereof, authorized to be issued for the construction of water works, the proceeds of all taxes levied for the construction and operation of said water works, all water rates assessed and collected for water, proceeding from such water works and all other moneys and property in any way derived by the said city in aid of said water works, or appropriated by the said common council to the same. And all money in the sinking fund of said city at the time of the passage of this act, held for the payment of the principal and interest of the bonded indebtedness of said city, shall be transferred from said sinking fund to said water fund, whenever provision shall have been made for refunding such indebtedness. Said water fund is hereby exclusively devoted and appropriated to the construction, main-

tenance and operation of said water works for the ensuing five years, or until said works shall have been wholly completed as nearly as practicable in accordance with the general plan mapped out by the city surveyor, approved by the council, and on file in the office of the city clerk; but if during that period the amount provided and set apart by section 6 of chapter 7 of the charter for the payment of the principal and interest of the bonded indebtedness of said city, including the bonds issued for water works, shall not be sufficient for the payment of such interest when the same shall accrue, there is hereby appropriated from said water fund a sufficient sum to supply such deficiency, and the city treasurer is hereby required to transfer from said water fund to said sinking fund a sufficient sum of money to pay such deficiency for any year when the same may exist. On the expiration of said five years or on the completion of said water works there shall be transferred annually thereafter from said water fund to the sinking fund of said city for the payment of the principal of the bonded indebtedness of said city, including the bonds issued for water works, the sum of five thousand dollars until said bonded indebtedness shall be wholly paid and discharged. Said water fund shall be kept in the city treasury in the custody of the city treasurer, and shall be disbursed by him on vouchers drawn upon the same in the manner provided in this act; and said city treasurer and the sureties on his official bond shall be liable for the safe keeping and disbursement thereof. And it shall be the duty of said treasurer to report to the common council quarterly the amounts of receipts and disbursements of the preceding quarter with a detailed statement of the same; which report after being submitted to the common council shall be filed in the office of the city clerk.

Clerk to keep accounts.

SECTION 5. It shall be the duty of the clerk of said city to keep separate accounts of all the funds, receipts and payments on account of said water works, and a separate record of all the contracts made by the common council touching said water works, and of the estimates of the cost of such contracts, and of all work done and all money paid out on account of such water works, and generally to keep separate books for said water fund, and water works, as he is or may be required by law or by the ordinances of said city to keep of other property, funds and interests of said city.

SECTION 6. The said water works and all the grounds, buildings, fixtures, machinery and other things appertaining thereto shall be under the control of the common council. Upon the completion of said works or as soon as deemed necessary the common council shall elect a superintendent who shall hold his office for the term of one year, or until his successor is elected and qualified; and the council shall make further provisions by ordinance for the employment of such other assistants, agents and servants as may be necessary and proper for the successful operation and management of said works, and fix the salary or compensation of said superintendent and other employes. Water works to be under control of council.

SECTION 7. The common council shall have power to make and enforce by-laws, rules and regulations in relation to said water works; and before the actual introduction of water, the council shall make by-laws, rules and regulations for the supply of water, fixing uniform water rates to be paid for the use of water furnished by the said water works, and regulating the manner of destributing and supplying water for use or consumption, and for withholding or shutting off the same for cause, and shall have power from time to time to alter, modify or repeal such by-laws, rules and regulations. All rates and charges for the use of water shall be payable in advance in such manner as the common council shall prescribe. Shall make and enforce by-laws.

SECTION 8. Any person who shall wilfully or maliciously injure or destroy any portion of the works, fixtures or other property belonging or appertaining to said water works, or who shall wilfully pollute or otherwise injure any water supplied by said water works, or who shall wrongfully interfere with or open any hydrants or waste any water therefrom, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the court. Penalty for destroying property.

SECTION 9. It shall be the duty of the common council, and it is hereby empowered, from time to time, to pass such ordinances as may be deemed necessary or expedient for the management and protection of said water works, and regulating and controlling the supply and use of water therefrom; and the council is hereby empowered when it shall deem it for the best interests of the city, to appoint a board of three water commissioners, to take the entire charge and To pass ordinances.

management of said water works, to appoint a superintendent and other employes and fix their compensation, and to supervise and control the supply and distribution of water throughout the city, and generally to discharge the duties imposed upon the common council by this chapter, under the general control and supervision of said council; but such commissioners shall receive no compensation for their services; provided, that nothing herein contained shall be construed as authorizing said common council to enter into any arrangement with any person or persons, or private corporation, for the erection or control of such water works for the supply of water for said city of Madison.

May advertise for proposals.

SECTION 10. The common council may advertise for proposals for furnishing materials and constructing said water works, receiving separate proposals for such parts thereof as shall be deemed advisable, and may accept such proposals as shall appear to be most advantageous and best for the city, taking into account the capacity of pumping engines and machinery, to perform the greatest amount of service with a given quantity of fuel, and require security that the pumping engines and machinery shall perform the service represented for at least one year, and the city reserves the right to reject any or all bids.

CHAPTER X.

MUNICIPAL COURT—JURISDICTION.

Jurisdiction.

SECTION 1. In addition to the powers and jurisdiction heretofore conferred by law in criminal matters upon the municipal court, the said municipal court of Dane county, and the judge thereof, shall be vested with exclusive jurisdiction to hear, try and determine all complaints, and conduct all examinations in criminal cases instituted or arising within the city, and with exclusive jurisdiction to hear, try and determine all complaints or prosecutions for offenses against the charter or any of the by-laws or ordinances of the city of Madison, and with all criminal jurisdiction heretofore conferred by law upon the police court of the city of Madison or the municipal court of Dane county, and with exclusive jurisdiction to hear, try and determine all civil actions to which the city shall be a party and which would otherwise be cognizable before justices of the peace, and no justice of the peace in said city shall exercise any jurisdiction conferred upon the municipal court by this act.

SALARY OF JUDGE — EXPENSES OF COURT, ETC.

SECTION 2. The city of Madison shall quarterly, on the first day of August, November, February and May, in each year, pay to the judge of said court the portion of his salary to be paid by said city, as provided by chapter twenty-seven of the general laws of A. D. 1880, and shall provide the necessary record books, blanks, stationery, lights and fuel for said court, as provided in section two thousand five hundred and nineteen of the revised statutes, for one-half of which expense the said city shall be reimbursed by the county of Dane, as provided in section two thousand five hundred and twenty of the revised statutes. Salary of judge, expense of court, etc.

CHAPTER XI.

MISCELLANEOUS PROVISIONS — PROPERTY AND RIGHTS OF VILLAGE MERGED IN CITY.

SECTION 1. The city of Madison shall be and is hereby invested as the lawful owner and successor of all real and personal property, and all the rights and privileges belonging to the corporation of the village of Madison, together with all the funds, revenues, debts and demands due and owing to the said village of Madison, as a corporate body, which, by or under former acts, ordinances, grants, donations, gifts or purchases, have been acquired, vested, or in any manner belonging to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands against the said village or city of Madison may be continued, prosecuted, defended and completed in the same manner as if this act had not passed. Miscellaneous provisions.

BOARD OF EDUCATION.

SECTION 2. The common schools of the city of Madison shall be under the supervision and control of the board of education, as provided by chapter 295 of the general laws of 1861, and the acts amendatory thereof: provided, that said board of education of said city is hereby authorized, if it deems it advisable, to direct one or more of the teachers in the common schools in said city to instruct such of their pupils as wish it, in one or more of the modern languages, besides the English, but in such a manner that none of said scholars shall devote more than one fourth of their time in school to any other than English language and studies. The mayor shall ex-officio be a member of Board of education.

the board of education of the city of Madison, and as such shall have the same rights and privileges as other members of said board of education. The board of education shall annually, on the first day of September, and oftener if required, report in writing to the common council a full and detailed statement of the financial affairs and transactions of the board, for the year preceding, and of its wants and requirements for the ensuing year. The common council shall have power to levy a special tax to pay all outstanding valid claims against the board of education or such part thereof as it may deem proper, and the money arising from such tax shall be applied to no other purpose whatever. Money shall be paid from the treasury of the board, on future appropriations only, on certificate of its president and clerk, and no order on the treasury, nor other evidence of debt, shall hereafter be issued upon the allowance of claims.

ALL WORK TO BE LET TO LOWEST BIDDER.

Work to be let to lowest bidder.

SECTION 3. All work for the city or either ward thereof, unless performed by the city, shall be let by contract to the lowest reasonable responsible bidder, and due notice shall be given of the time and place of letting such contract; provided, that the council, by a vote of two-thirds of all the members thereof, may otherwise provide for work.

ACTIONS TO RECOVER PENALTIES.

Actions to recover penalties.

SECTION 4. All actions brought to recover any penalty or forfeiture under the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally for such penalty or forfeiture, stating the clause of this act, or by-laws or ordinances, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecution may be commenced by summons or by warrant, as the exigency of the case may require. In all cases where an action might be brought by the city of Madison against any person, company or corporation, such action may be commenced and prosecuted, in the name of the city, by any resident of said city; provided, that before any person other than the proper officers of said city, shall prosecute any such action, the person or persons so commencing shall enter into bonds with sufficient surety to the opposite party, to be approved by the judge or justice before whom such action shall be brought,

conditioned that he or they will pay all costs that might be recovered against the city in such action. After the filing of such bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of any such action, but such costs where the action shall fail may be recovered against the party commencing the same, upon the bond filed as aforesaid; provided, that nothing herein contained shall be so construed as to prevent any peace officer from arresting without process any person in a state of intoxication, or guilty of immoderate drinking, improper revelling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the municipal court or keeping them in confinement until such time as said court can reasonably hear and dispose of such offender.

JUDGMENT TO BE ENTERED ON CONVICTION.

Judgment to be entered on conviction.

SECTION 5. In all cases of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall render judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs. the court shall enter a judgment that the defendant be imprisoned in the county jail of Dane county for a term not exceeding three months and shall forthwith commit the defendant for the term fixed by said judgment, and in all cases where the judgment shall be that the defendant shall be imprisoned in the county jail, the court may in its discretion enter a further judgment that the defendant pay the costs of prosecution, and that he be held in imprisonment in the said jail until such costs be paid, or he be otherwise discharged by due course of law.

NOT TO WORK INCOMPETENCY.

Not to work incompetency.

SECTION 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

FAILURE OF ELECTION NOT TO SUSPEND CORPORATION.

No failure of election to suspend corporation.

SECTION 7. If any election by the people or common council shall not for any cause be held at the time or in the manner herein prescribed, it shall not be con-

sidered reason for arresting, suspending, or abolishing said corporation, but such election may be held on any subsequent day, by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer, at any time specified, and the same are not done and performed, the common council may appoint another time, at which said acts may be done of performed.

HOW PROCESS SERVED AGAINST CITY.

How to serve process against city.

SECTION 8. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor and city clerk, and it shall be the duty of the mayor forthwith to inform the common council thereof or to take such other proceedings as the ordinance and resolutions of said council may provide.

CITY MAY HOLD PROPERTY.

City may hold property.

SECTION 9. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

GENERAL LAW NOT TO MODIFY THIS ACT.

Not to be modified.

SECTION 10. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

TRANSFER OF DUTIES.

Transfer of duties.

SECTION 11. From and after the second Monday of March, A. D. 1856, the connection between the town of Madison and that part of said town included within the city limits for all town purposes shall be dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Madison, shall be performed by the aldermen of the wards and other officers of said city.

MISDEMEANORS OF CITY OFFICERS AND THEIR PUNISHMENT.

City officers to be punished for misdemeanors.

SECTION 12. Every member of the common council of the city of Madison, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any other purpose whatever, in the violation of the city charter or of any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspector of elections, member of the board of registry, and as

member of the board of equalization; any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council, or other city officer, who shall, directly or indirectly, purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the municipal court, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days, nor less than ten days, or both, at the discretion of the court.

PAUPERS — HOW PROVIDED FOR.

How paupers are provided for.

SECTION 13. The paupers of said city shall be removed to the poor house of the county of Dane by order of the mayor or aldermen, in like manner as they are removed from the several towns in said county; provided, that if, by reason of contagious or infectious disease or for any other reason, such pauper cannot be so removed to the county poor house without danger to the public health or the health of such pauper, the city of Madison shall care for such pauper until such time as he may be so removed, and the expense of such care so incurred shall be chargeable to and paid from the poor fund of Dane county.

LICENSES — HOW ISSUED.

How licenses are issued.

SECTION 14. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the mayor and city clerk and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk until the person applying for the same shall have deposited with the said clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, malt or vinous liquors until the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved by the mayor, and a sum not less than the minimum sum nor greater than the maximum sum fixed by the laws of this state to be paid by such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council at each regular meeting thereof, the licenses theretofore

issued by them and not before reported, and the council shall by vote approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

DUTIES OF TREASURER AS TO DELINQUENT LANDS.

Duties of treasurer as to delinquent lands.

SECTION 15. The treasurer of the city of Madison shall perform all the duties and do all the acts required by law to be done by the treasurer of the village of Madison, in relation to the redemption and deeding of lands heretofore sold for the non-payment of taxes in said village, and every certificate of redemption or tax deed made out and executed by the said city treasurer, shall have the same force and legal effect as if this act had not been passed and such certificate or deed had been made out and executed by said village treasurer. And the treasurer of the city of Madison is hereby authorized, in making any deed for lots or lands heretofore sold by the treasurer of the village of Madison for the non-payment of taxes in said village, to make the same in the name of the city of Madison, and every deed so made and executed by the city treasurer shall be received in all courts of this state as prima facie evidence that all the proceedings relating to or affecting the tax for which such lots or lands were sold, from the assessment to the making of such deed inclusive, were regular, correct and performed according to law; and no other act shall be required of said city treasurer in relation to lots so sold, except the making and acknowledging such deed as aforesaid, except issuing certificates of redemption from such lots as may be redeemed.

WHERE OFFENDERS TO BE IMPRISONED.

Use of jail.

SECTION 16. The use of the jail of Dane county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe-keeping and delivery the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

PRIVATE PROPERTY NOT LIABLE FOR CITY DEBT.

Private property not liable for debt.

SECTION 17. No real or personal property of any inhabitant of said city or town, or individual or corporation, shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

HOW EXECUTION AGAINST CITY TO BE ISSUED.

How execution against city to be issued.

SECTION 18. When a judgment shall be recovered against said city or any ward thereof, or against any officer of said city in any action prosecuted by or against him, in his name of office, where the same should be paid by the city or any ward thereof, no execution shall be issued or awarded upon such judgment, except as hereinafter provided; but the same, unless reversed, shall be levied and collected as other city or ward charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged upon the delivery of a proper voucher therefor; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution, on special application therefor.

COUPONS ON BONDS RECEIVABLE FOR TAXES.

Coupons receivable for taxes.

SECTION 19. The interest coupons on any of the outstanding bonds of the city of Madison shall be receivable for city taxes. And it is hereby made the duty of the city treasurer to deliver to the common council, at its first regular meeting in the month of March in each year, all coupons received by him for taxes, and he thereupon shall be credited with the amount thereof; and said coupons shall be canceled in the presence of the common council; and deposited in the city clerk's office, and the common council shall, at said meeting, appropriate sufficient money from the portion of the tax raised for the payment of the interest and principal of the bonded indebtedness of the city, to pay all coupons falling due on the first day of April thereafter, and cause the same to be placed where said bonds and coupons are made payable, before the first day of April in each year; and if at the said meeting it shall be ascertained that sufficient money has not been collected from said tax to pay all the coupons maturing on the first day of April next thereafter, the common council shall appropriate sufficient to pay such deficiency from the general fund; and all

money collected after such appropriation, upon such special tax, shall be placed in the general fund belonging to said city, until the general fund is reimbursed for the amount so paid for interest.

APPLICATION OF THIS ACT TO CITY OFFICERS, ETC.

Act to apply to city affairs.

SECTION 20. No member of the council shall be elected or appointed to any office, agency or place of public trust or profit by the council except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof.

OF PARDONS — OF FINES.

Pardons—fines.

SECTION 21. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; He shall communicate any such action to the council at its next meeting, with the reasons therefor. All fines imposed by the municipal court of Dane county, for violation of this act, or ordinances, by-laws or regulations made in pursuance thereof, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September in each year the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending such prosecutions in the city during the same period.

REMOVAL FROM OFFICE.

Removal from office.

SECTION 22. The common council shall have power, and it shall be its duty, to remove from office any policeman for incompetency, misconduct or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law.

PUNISHMENT FOR DRUNKENNESS, ETC.

Punishment for drunkenness.

SECTION 23. Any person who shall be guilty of drunkenness, or of immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places of the city of Madison, shall be deemed to be guilty of a misdemeanor, and on conviction thereof before the municipal court of Dane county, shall be punished by a fine of not less than one nor more than one hundred dollars, or by imprisonment in the county jail of Dane county for a

term of not less than two days nor more than three months.

OF COMPLAINTS FOR OFFENCES.

SECTION 24. Whenever any complaint is made to the municipal court of Dane county by any police officer, sheriff, policeman, or other person, that any offence has been committed within the said city, against the provisions of the charter of said city, or of the by-laws or ordinances passed in pursuance thereof, whether such offence is made punishable under such charter or ordinances by fine, penalty or imprisonment, the said municipal judge, or the clerk of said municipal court, shall examine the complainant on oath, and reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that any such offence has been committed, the said municipal judge or the clerk of said municipal court shall issue his warrant, reciting the substance of the complaint, requiring the officer forthwith to arrest the accused and bring him before such municipal court, to be dealt with according to law. All the laws of this state relating to the manner of conducting criminal actions before justices' courts, shall be applicable to all trials before the municipal court under this act so far as the same do not conflict with the provisions of this act. Complaints of offenses.

PURCHASE OF CITY BONDS.

SECTION 25. The common council is hereby authorized and empowered to purchase outstanding bonds of the city of Madison from the surplus accumulations of the sinking fund after providing for the payment of interest, if such purchases can be made advantageously to the interests of the city. Purchase of city bonds.

OF SALARIES.

SECTION 26. No compensation or salary shall be paid to the mayor or any alderman of said city, except as provided in section twelve of this chapter. Salaries.

ASSIGNMENT OF LICENSE.

SECTION 27. No assignee of any license shall be permitted to pursue the occupation or business licensed, except upon the same premises where the business was conducted by the original holder of said license. Assignment of license.

REPEALED.

SECTION 28. An act entitled "an act to consolidate and amend an act to incorporate the city of Mad- Repealed.

ison and the several other acts amendatory thereof," approved March 16, 1880, being chapter 322 of the laws of 1880, and the several acts amendatory thereof, and all acts relating to the corporation of the city of Madison not retained in this act, are hereby repealed.

PUBLIC ACT.

Public act.

SECTION 29. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

SECTION 30. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 324, A.] [Published March 9, 1882.]

CHAPTER 37.

AN ACT to incorporate the city of Port Washington.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporate powers.

SECTION 1. All that district of country hereinafter described, from and after the first Tuesday in April, A. D. 1882, shall be a city by the name of Port Washington; and the people now inhabiting and those who shall hereafter inhabit the district of country hereinafter described, shall be a municipal corporation by the name of "the city of Port Washington," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers herein specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; suing and being sued; pleading and being impleaded in all courts of law and equity; and shall have a common seal and may change and alter the same at pleasure.

Boundaries.

SECTION 2. All of section number twenty-eight (28) and the southeast quarter of section number twenty-nine (29) all of town (11), range twenty-two (22) east, all in the town of Port Washington, in the county of Ozaukee, state of Wisconsin, shall be included in and constitute the limits and boundaries of the city of Port Washington.

Corporate authority.

SECTION 3. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of five members, who, with the mayor, shall be denominated the

common council, together with such other officers as are hereinafter mentioned, or may be created under this act.

SECTION 4. The annual election for city officers shall be held on the first Tuesday in April in each year, at such place as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, with the proviso: That an adjournment may be had for one hour between the hours of twelve o'clock M. and one o'clock P. M., upon due notice thereof given at the opening of the polls. Six days' previous notice of such elections shall be given, signed by the clerk, stating the time and place of holding the same, and of the officers to be elected, which notice shall be posted in three public places in said city. Electors.

SECTION 5. The elective officers of said city shall be a mayor, a treasurer, one assessor, a clerk, a city marshal, one constable, four justices of the peace and five aldermen. The treasurer, assessor, marshal, clerk, justices of the peace and constable shall be qualified voters and residents of the city of Port Washington, and the mayor and aldermen shall be qualified voters and freeholders in the city of Port Washington. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council. All elective officers except justices of the peace, unless otherwise provided, hold their offices for one year and until their successors are elected and qualified; provided, however, that the common council shall have power, for cause, to expel any of its own members except the mayor, and to remove from office any officer or agent under the city government, due notice in writing being first given to the officer complained of. The justices of the peace shall hold their offices for two years and until their successors are elected and qualified. Terms of office.

SECTION 6. Whenever a vacancy shall occur in the office of mayor or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he shall be elected or appointed to fill. Vacancies.

Tie votes.

SECTION 7. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the common council, and in such manner as they shall direct.

Qualified electors.

SECTION 8. All persons who are qualified electors of the state of Wisconsin, and entitled to vote at a general election, and who are actual residents of the city of Port Washington, shall be entitled to vote for any officer to be elected, and be deemed qualified electors at city elections.

When first election shall be held.

SECTION 9 The first city election of said city of Port Washington, for the election of city officers, shall be held on the first Tuesday in April, 1882, in the northwest ground floor room in the Union house in said city, and at all city elections of said city, at the time of opening the poll, the electors present shall choose, vive voce, from the qualified electors present three inspectors of election and two clerks of election, and the persons so chosen to act as inspectors and clerks, shall, before entering on the duties of their offices, take and subscribe the oath required of inspectors and clerks of general elections. Six days' previous notice of said first election shall be given, signed by the sheriff of Ozaukee county, Wisconsin, stating the time and place of holding the same and of the officers to be elected, while notice shall be posted in three public places in said city.

Penalty for illegal voting.

SECTION 10. If either of the inspectors of elections shall suspect that any person offering to vote does not possess the requisite qualifications, or if any such vote shall be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years old; that you are a citizen of the United States (or have declared your intentions to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year; that you are an actual resident within this city, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." Which oath any member of the board of inspectors is hereby authorized to administer. And if the person so offering to vote shall take such oath

falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or shall vote more than once at any one election, he shall forfeit and pay a sum not exceeding two hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of all the names of all persons whose votes may be challenged and who shall swear in their votes, which list shall be filed with the city clerk. The penalty for any unlawful or illegal conduct of clerks or inspectors of election shall be the same as that provided by statutes of this state for similar conduct at any general election.

How to count the ballots.

SECTION 11. When the polls of an election shall be finally closed, the inspectors shall proceed to count and canvass the votes in each of the boxes, one box being completed before another shall be opened, and shall make a return of the number of votes for each and every office and the number of votes for each and every person for each and every office, and shall deliver such return to the city clerk immediately after such election, and shall declare the result as it appears from the same. In all cases of the election or appointment of any person to office, the common council shall file with the clerk a certificate, signed by at least a majority of them, giving the name of the person elected or appointed, and the term for which he was so elected or appointed, and the clerk shall record such certificate in a book, to be provided for that purpose. Whenever a justice of the peace or city marshal shall be elected, the clerk shall forthwith give notice thereof in writing to the clerk of the circuit court of Ozaukee county, giving both the names and terms for which elected, and upon the election of mayor or treasurer the clerk shall give like notices to the clerk of the board of supervisors of Ozaukee county, and those county officers, upon receiving such notices, shall file the same in their respective offices.

Special elections.

SECTION 12. Special elections to fill vacancies, or for other purposes, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as regular elections, and within such time as may be provided by the common council.

What to constitute vacancy.

SECTION 13. Any officer removing from the city, or any officer who shall neglect or refuse for ten days

after his election or appointment to qualify and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

When term of office to commence.

SECTION 14. The term of every officer elected under this act, except justices of the peace, shall commence the second Tuesday in April of the year for which and in which he was elected.

SECTION 15. The first election of officers under the provisions of this act shall be held on the first Tuesday in April, 1882; the election of justices of the peace shall be held at the same time and place, and so every two years thereafter, or when a vacancy shall occur; provided, that the justices of the peace now residing within said city of Port Washington shall hold their offices until their terms expire.

If failure to elect.

SECTION 16. Should there be a failure to elect any officers herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being first given.

Oath of office.

SECTION 17. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk. The treasurer, clerk, marshal, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Port Washington a bond, with two sureties, to be approved by the common council or a majority thereof; and said common council may, from time to time, require new and additional bonds, and remove from office any officer refusing or neglecting to give the same.

Mayor to preside.

SECTION 18. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city are duly observed and enforced and that all executive officers of the city discharge their respective duties. The mayor shall be the chief executive officer and the head of the police of the city, and in case of riot and other disturbance or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall in all cases have a seat in the common council and he shall vote in the common council only

in a case of a tie vote; he shall give the common council such informations and recommend such measures as he may deem proper and advantageous to the city. The mayor shall have the power to veto any ordinance passed by the common council by notifying the common council of his objections thereto at any time within seven days after the passage of such ordinance. In case of no session of the common council on any day after the passage of the same and before the expiration of said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not, at the next ensuing meeting, re-enact such ordinance, by the vote of two-thirds of the aldermen elect, and cause the same to be published, the same shall be null and void. The mayor shall represent the said city in the county board of supervisors of Ozaukee county, Wisconsin, and in his absence or inability to act, the common council shall designate one of their number to so represent said city. The common council shall at its regular meeting after its election, choose one of the board of aldermen, who shall be styled president of the board of aldermen, and who in the absence of the mayor shall act as such mayor and have and possess all the rights and privileges of such officer and be subject to all the liabilities thereof, during the absence of such mayor.

Veto power.

Represent in county board.

SECTION 19. The city clerk shall perform all the duties required of him by law and the ordinances of the city. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law to issue transcripts from the records of his office, and they shall, when certified by him, be received in all courts in like manner and effect. He shall perform the same duties in regard to common schools in said city that are by the general laws imposed on town clerks. He shall draw and countersign all orders on the treasurer, and keep a record of the same; he shall file in his office all chattel mortgages left with him to be filed and the renewals thereof, receiving the same fees allowed to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths; and he shall receive such compensation as the common council shall provide by ordinance or resolution.

Duties of city clerk.

Justices of the peace.

SECTION 20. The justices of the peace elected under this act, or who hold over, shall have the same and equal jurisdiction and perform all and like duties of justices of the peace under the general laws of the state of Wisconsin, and have, furthermore, jurisdiction of all offenses against the provisions of this charter and the ordinances, by-laws and police regulations of the common council of the city, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements required to be given by them shall be approved by the common council of said city.

Duties of city treasurer.

SECTION 21. The city treasurer shall perform all the duties required of him by law, collect all city, county and state taxes, and pay over all moneys in his hands according to law. He shall keep in a proper book an account of all moneys received and of all moneys paid out, and the same shall at all times be open to the inspection of the voters of the city. He shall make reports quarterly, and render an itemized account to the common council of all sums received, when and by whom the same was paid, and also of all moneys by him paid out; and all moneys raised, received, recovered or collected by means of any tax, license, penalty, forfeiture, fine or otherwise belonging to said city under the authority of this act, shall be paid into the treasury of the city, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor or acting mayor, and countersigned or attested by the city clerk. The treasurer shall have the same powers and be subject to the same laws and liabilities and governed by the same laws as treasurers of towns in this state; provided, that he shall receive no other fees except the compensation hereinafter provided.

Duties of marshal.

SECTION 22. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and collection of license moneys and fines. He shall possess all the powers and authority of constables of towns and be subject to the same liabilities. It shall be his duty to execute all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city or law of this state may pursue and serve the same in any part of this state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate

all nuisances in said city, to apprehend, with or without warrant, any person in the act of committing any offense against any ordinance of said city or the laws of this state, and within a reasonable time bring such person before competent authority for examination or trial, and for such services he shall receive such fees as are allowed by law to constables for like services in this state. He shall have power to appoint one or more deputies, subject to the approval of the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties. Such deputies shall also take and subscribe the proper oath of office, which shall be filed in the office of the city clerk, and when duly qualified as aforesaid such deputies shall possess all the powers and authority and be subject to the same liabilities with the marshal.

Penalty for not delivering up to successor.

SECTION 23. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects, belonging to said city pertaining to the office, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver over the same; and such successor may recover possession of such books, papers and effects in the manner prescribed by law in this state.

Shall not be interested in any job.

SECTION 24. No mayor or alderman shall be a party to or interested in any job or contract with the city, and any contract or job in which they or either of them may be so interested shall be null and void, and in case any money has been paid on such contract, the common council may sue for and recover back the amount so paid from the parties to such contract and the mayor or aldermen interested in the same.

Who shall be officers of the peace.

SECTION 25. The mayor or acting mayor, each and every alderman, justice of the peace, marshal, deputy marshal, policeman and watchman and constables of said city, and the sheriff of Ozaukee county, and his deputies, shall be officers of the peace, and may command the peace and suppress in a summary manner all riotous or disorderly behavior within the limits of said city; and for such purpose may command the assistance of all bystanders, and if any person, bystander or private citizen, shall refuse to aid in maintaining the peace, when so required, every such person so refusing shall forfeit and pay a fine of not less than five nor more than fifty dollars.

Powers of justices.

SECTION 26. The justices of the peace of said city shall possess and exercise the same and like powers, jurisdiction and duties, and shall be subject to the same liabilities and regulations as are conferred upon and required of justices of the peace of the several towns of this state. All prosecutions for a breach or violation of any by-law, ordinance or regulation shall in all cases be commenced in the name of the city of Port Washington, and the same proceedings shall be had in all civil and criminal actions before said justices of the peace, when not otherwise herein directed, as are established and required to be had in civil and criminal actions and proceedings by the laws of this state before justices of the peace; provided, that in a case of prosecution for a breach or violation of an ordinance, by-law or regulation of said city on its charter, defendants shall have the same right of appeal under the same conditions and requirements as now are or may be provided by the laws of this state for taking appeals from justices' courts. All fines and penalties imposed for violation of any city ordinance, resolution, by-law or regulation, shall belong to and be paid over to the treasury of said city and be a part of the finances thereof.

Justices to account for money.

SECTION 27. The justices shall account for and pay over to the treasurer of said city all fines and penalties collected by him and belonging to said city within ten days after receiving the same, and take his receipt for the same in the docket. Said justices of the peace shall be entitled to receive, in all cases had before them in which said city is interested, the same fees as are provided by law for justices of the peace of the several towns of this state in similar cases had before them.

Duties of assessor.

SECTION 28. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing in the towns of this state, and shall perform all other duties prescribed and directed by this act for him to perform, and he shall receive a compensation therefor of fifty dollars a year.

Duties of street commissioners.

SECTION 29. It shall be the duty of the street commissioner, within ten days after his appointment and qualification, to inspect all the streets in the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges, and all things appertaining to the streets, and report in writing to the common council recommending, in his opinion, what is necessary and ought to be done thereto, in separate items, in the order of their

first, second and third necessity, and so on to the end of his recommendations; under item number one for the first necessity, item number two for the second necessity, and so on to the end; and the city clerk shall lay said report before the common council for information, and the common council may order said street commissioner to put in repair any such street or sidewalk if in their opinion it is a matter of necessity.

Further duties.

SECTION 30. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the obstructions and cleaning or closing of sidewalks, crosswalks, streets, bridges, alleys, public grounds, gutters, sewers and waters in said city are duly observed and kept, and shall have the general supervison over all grading, paving, graveling, planking, repairing and cleaning streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, and shall receive therefor such compensation as the common council shall prescribe.

Who to constitute commissioners.

SECTION 31. The mayor and aldermen shall constitute the common council and shall not receive any compensation for their services unless they be acting as inspectors of elections, and the style of all ordinances shall be: "The common council of the city of Port Washington do ordain," etc. A majority of the aldermen shall constitute a quorum, but a less number may adjourn from time to time.

SECTION 32. The common council shall hold its first annual meeting in each year on the first Tuesday after the regular city election, and thereafter meetings at such times as they shall appoint; and the mayor may call special meetings by notice to each of the members to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members by fine or otherwise.

SECTION 33. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws, for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade

and commerce and health, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such rules, ordinances and by-laws are hereby declared to be, and have the force of laws; provided, they are not repugnant to the constitution and laws of the United States or of this state.

Shall regulate shows and grant licenses to saloons, bowling alleys, etc.

SECTION 34. The common council shall have power to license and regulate the exhibition of common showmen and shows of any kind, or the exhibition of caravans, circusses, or theatrical performances, billiard tables, bagatelle tables, pigeon hole tables, and bowling saloons, etc., and to provide for the abatement and removal of nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less nor more than the amount per annum established by the general laws of the state of Wisconsin, and that all such licenses hereafter granted shall run from the first day of May in each year; provided, however, that when any license may be applied for after that date the same may be granted to expire on the said first day of May of each year, and the applicant paying pro rata therefor; but no license shall be granted for a longer time or period than one year:

Gaming.

1st. To suppress, restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending or giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council and to license, regulate and suppress hawkers and peddlers.

Steamwhistles.

2d. To prevent or regulate the blowing of steam whistles, and prevent riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gambling. No person shall be incapacitated or excused from testifying touching any offense committed against any of the provisions of this act, or any ordinance of the city of Port Washington, by rea-

son of his or her being implicated in any such offence, but the testimony of such witness shall in no case be used against such witness.

3d. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city. **To remove nuisances.**

4th. To direct the location and management of slaughter houses and markets, and to prevent the erection of and use, and occupation of the same when offal or filth therefrom shall discharge into the waters of the rivers, lakes, ponds or sloughs. **Slaughter houses.**

5th. To prevent the incumbering of streets, sidewalks, crosswalks, lanes or alleys with railroad cars, carriages, sleighs, boxes, lumber, firewood, or any other materials or substances whatever. **Prevent incumbering streets.**

6th. To prevent horse racing, immoderate driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. **Horse racing.**

7th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the restraining, impounding and sale of the same. **Restrain cattle.**

8th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance. **Dogs.**

9th. To prevent persons from bringing, depositing or having within said city any putrid carcases or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, or on default to authorize the removal thereof, by some competent officer, at the expense of such person or persons. **Putrid carcasses.**

10th. To establish and make public pounds, pumps, wells, cisterns and reservoirs of the city, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps for lighting the streets, public grounds and public buildings, with gas or otherwise. **Public pounds.**

11th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. **Boards of health.**

Size of bread.

12th. To establish the weight and size of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Animals on sidewalks.

13th. To prevent all persons riding or driving any horse or mule, or any other animal on the sidewalks of said city, or in any way doing damage to sidewalks and bridges.

Discharging fire arms, etc.

14th. To prevent shooting of firearms or firecrackers and to prevent the exhibition of fireworks in any place or situation which may be considered by the common council dangerous to the city or any property therein, or annoying to the citizens thereof.

Restrain drunkards.

15th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners.

16th. To restrain and regulate runners and solicitors for stages, cars, public houses and other establishments.

Government of police.

17th. To make rules, regulations and ordinances for the government of the police of the city.

Public markets.

18th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for attempting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops, stands for the sale of game, poultry, meats, fish and other articles.

Weighing and selling hay.

19th. To regulate the place or places and manner of weighing or selling hay, and measuring and selling fuel, lime, and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

Remove snow, etc.,

20th. To compel the owners or occupants of buildings or grounds, when the same are occupied, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot around or occupied by him, all such substances as the board of health shall direct; and in his or her default, to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Infectious diseases.

21st. To regulate, control and prevent the landing of persons from boats or vessels wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to best preserve the health of the city.

Auctions.

22d. To regulate the time, place and manner of holding public auctions and vendues.

23d. To appoint watchmen and prescribe their duties. **Watchmen.**

24th. To provide by ordinance for a standard of weights and measures. **Weights and measures.**

25th. To protect trees and monuments in said city. **Protect trees.**

26th. To prescribe and regulate the construction of sewers within said city. **Sewers.**

27th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, alleys, and to keep them free from any incumbrances and to protect them from injury. **Highways.**

28th. To alter or change the name of any street in the city. **Alter streets.**

29th. To consolidate or change the boundaries of school districts in said city under the same restrictions and with the same power as is now conferred on town boards under the general laws of this state. **School districts.**

30th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the constitution of this state, necessary for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof. **Ordinances.**

31st. To provide for the prosecution or defense of all actions or proceedings in which the city is interested, and employ counsel therefor. **Actions at law.**

32nd. To purchase real estate and provide for the erection of a city hall and engine houses. **Purchase real estate.**

33rd. To call a special election for the purpose of raising a tax, when in their opinion the amount which they are authorized to raise by the provisions of this act, is insufficient to meet the requirements. **Special elections.**

34th. To establish grades of any or all the streets in the city, to cause sidewalks, gutters and pavements to be constructed; and when a grade shall be established, it shall have such gradients as shall be sufficient to carry off all surface water or other waters from whatever source, coming on the street or streets; and when a grade is so established they shall cause an accurate profile to be made thereof and filed with the city clerk; and all such grades shall be worked in exact accordance with such profile and the ordinance establishing the same. **Establish grades.**

35th. To establish a fire department and to provide for the due and proper support and regulation of the same, and to appoint or direct the election of such **Fire departments.**

officers for such department as they shall see fit and to define their powers and duties, to provide protection from fire by the purchase of fire engines and all the necessary apparatus for the extinguishing of fires, and by the erection of pumps and construction thereof, water mains, reservoirs or other water works; to erect engine houses, to compel the inhabitants of the city to aid in the extinguishing of fires and to pull down and raze such buildings in the vicinity of fires as shall be directed by them or any two of them who may be present at the fire, for the purpose of preventing its spreading to other buildings; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the construction of and cleaning of chimneys to prevent bonfires, and the use of fire-works and fire-arms in the city or any part thereof; to authorize fire wardens at all reasonable times to enter into and examine all dwellings, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; and generally to establish such necessary measures for the prevention or extinguishing of fires as may be necessary and proper; and to declare by ordinance the punishment for violation of any such ordinance or regulation. The pioneer company, the hook and ladder company and the hose company now and heretofore existing in the territory of said city, and heretofore known as the fire department of Port Washington, and their constitution, laws and by-laws, regulations and officers shall continue in full force in said city of Port Washington, and be supported by said city, until the common council shall establish a fire department under the provi ions of this act, and the proper officers of the department now existing shall in the months of May and October in each year make a report to the common council showing an estimate of what will be necessary and required for the maintenance of said department, and also a correct statement showing for what purpose moneys have been expended which may have been paid to said department by said city.

How voted.

SECTION 35. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor; and shall be published in a newspaper published in the city of Port Washington before taking effect, and within fifteen days thereafter they shall

be recorded by the city clerk in books provided for that purpose, but before any such by-laws, ordinances or regulations shall be recorded, the publication thereof respectively within the same time shall be proven by the affidavit of the foreman or publisher of the newspaper in which the same shall be published, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of the publication.

Printing to be let to lowest bidder.

SECTION 36. All printing and publication required by this act, or by the common council, shall be let to the lowest bidder therefor, who shall be required to give bonds, with such conditions and such sureties as the common council shall determine and require.

Abatement of nuisances.

SECTION 37. The power conferred upon said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings, in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof; houses or buildings of any kind wherein more than one hundred pounds of gunpowder are deposited, stored or kept, at any one time are hereby declared and shall be deemed nuisances.

To audit accounts.

SECTION 38. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and other officers or agents of the city, at such time as they may deem proper, also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officers shall refuse to comply with the orders or requirements of the council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render their accounts or present their books and vouchers to said council, it shall be the duty of said council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or person or agent of said city who may be delinquent or defaulting in his accounts, or discharge of his official duties, and shall make a full record of all such settlements.

Funds in treasury.

SECTION 39. All funds in the treasury, except school, state and county funds, shall be under the con-

trol of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city. All orders shall be payable to the person or order of the person in whose favor they may be drawn.

Taxes to be levied for current expenses.

SECTION 40. The common council of said city shall annually levy upon the taxable property of said city, to defray the current and lawful expenses of said city, a tax sufficient to defray the same; provided, said common council shall not levy a tax for general purposes exceeding two per cent. upon the assessed valuation of said city in any one year unless authorized to raise a greater sum by the majority of the electors of said city at a general or special election.

Cannot issue bonds.

SECTION 41. The common council of said city shall not have power to issue any bonds or other evidences of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, nor shall the common council issue in any one year orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act.

Accounts to be verified.

SECTION 42. No account shall be allowed by the common council unless the same is properly verified by the oath of the owner thereof, or some person in his or her behalf, except it be for street work or hire under the supervision of the street commissioner, duly certified by him.

Disallowed accounts.

SECTION 43. When the claim of any person against the said city shall be disallowed in whole or in part by the common council, the determination of the common council disallowing the same in whole or in part shall be final and conclusive and a perpetual bar to any action in any court founded on such a claim, unless an action to recover the same shall be commenced within thirty days after such disallowance by the common council of said city.

Annual reports.

SECTION 44. The common council shall annually on Tuesday next preceding the annual election, make a report showing in detail all the receipts and disbursements of the said city for the past fiscal year, and

cause the same to be published before the annual election.

SECTION 45. The common council shall have power to lay out public streets and alleys, and to widen the same as follows: Whenever five or more freeholders residing in said city shall by petition represent to the common council that it is necessary to take certain lands within the city for the public use, for the purpose of laying out public streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council shall thereupon cause notice of such application to be given on the owners or occupants of such lands, if any there be, or if any portion of said lands shall not be in the actual occupation of any person, then the common council shall cause such notices describing as near as may be the premises proposed to be taken, to be published in a newspaper published in said city four weeks successively, at least once in each week. Power to lay out streets.

SECTION 46. Such notice shall state, that upon a day therein to be named, not less than ten days from the service of such notice, or expiration of such publication as the case may be, application will be made to a court commissioner of said county of Ozaukee for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary and proper to take the same for the purposes specified in said petition. Notice to be given.

SECTION 47. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said court commissioner shall appoint twelve resident freeholders, residents of said city, but not interested in the result of such application. The said court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within ten days, to view the premises to be specified in said precept, and to make returns, under their hands, to the common council, whether, in their judgment, it is necessary and proper to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk. Shall issue precept.

Marshal to serve precept.

SECTION 48. The city marshal shall serve the said precept immediately on the jurors therein named by reading the same to each one that can be found, and immediately after such service he shall return the said precept to the court commissioner who issued the same, together with his doings thereon; and if the jurors so appointed cannot be found or shall be disqualified from acting, or shall refuse to act, the court commissioner shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept.

Jurors to view premises.

SECTION 49. The said jurors, at such times as shall be designated in said precept, shall proceed in a body to view the premises in question, and shall hear such testimony as shall be offered by any party interested, which testimony shall be reduced to writing, and either of the jurors shall be authorized to administer oaths to witnesses. After viewing the premises in question and hearing testimony, if offered, the jurors shall make a report of their proceedings, which shall be signed by them, and which shall state whether in their judgment it is necessary to take the premises in question for public use; which said report, testimony and precept shall be returned to the common council. Should the jurors report that it is necessary to take the premises, the common council shall enter an order among its proceedings confirming said report and directing the same jurors, within twenty days thereafter, to again view the premises, to ascertain the amount of damages to be paid the owner or owners of said property proposed to be taken; and to assess and return within the twenty days such damages to the common council, who shall enter an order confirming the same.

Value of buildings to be ascertained.

SECTION 50. If there should be any building in whole or in part upon said lands to be taken, the jurors shall first estimate the value of such building to the owner aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

Notice to be given.

SECTION 51. At least ten days' notice of such determination shall be given to the owner or his agent, if known and a resident of the city; if not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper of said city for three successive weeks. Such notice shall specify the building and the award of the jurors, and it shall require the parties interested to appear by a day named

therein, and give notice of their election to the common council either to accept the award of the jurors, and allow such buildings to be taken, with the land appropriated, or their intention to remove such building, and he shall have such time to remove such building as the common council may allow.

If owner of building shall refuse.

SECTION 52. If the owner shall refuse to take the building at the value assessed by the jurors, to remove or fail to give notice of his election as aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale; the proceeds shall be paid to the owner or deposited for his use. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgages, or if there be any estate in them less than an estate in fee, the injury done to such persons or interests respectively, shall be awarded to them by the jurors.

Award of jurors.

SECTION 53. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept. Any person whose property is taken, or against whom any assessments are made, may, within ten days from the return of the jurors to the common council, appeal from such assessment of damages to the circuit court of Ozaukee county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond to said city conditioned for the faithful prosecuting of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court; said bond to have a good and sufficient surety, to be approved by the clerk of said city, or county judge or court commissioner.

Lands not to be appropriated.

SECTION 54. The lands required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owners thereof, or party entitled, shall be paid or tendered to the owner, or party entitled thereto, or his agent, or in case the owner or party entitled thereto, or his agent, cannot be found or is unknown, deposit it to his credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys and public grounds opened or laid out. The damages assessed shall be

paid within one year, or tendered or deposited as herein required, and if not so paid, tendered or deposited within one year from the confirmation of such assessment, the proceedings shall be void.

Legal disability.

SECTION 55. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the county judge of Ozaukee county, on the application of the mayor of the city, or such party or his next friend, shall appoint a guardian for such party, and all notices required by this act shall be served upon such guardian. Whenever any street, alley or public grounds shall be laid out under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the clerk.

What property is taxable.

SECTION 56. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, schools, and the payment of debts and liabilities, and the same shall be assessed in the manner hereinafter provided, and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act; provided that the common council may prescribe the form of assessment roll, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may from time to time deem advisable. When the assessment roll shall be completed, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same may alter and add to, take from and otherwise revise and correct the same. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessment shall have the same force as it would have had if made the year when the same was omitted. Should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or in-

formality in assessing, levying, selling or conveying the same, but not affecting the justice and equity of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relevied, in such manner as it shall direct by ordinance.

Board of equalization.

SECTION 57. The mayor, clerk, treasurer and assessor shall constitute the city board of equalization, and shall meet on the first Monday of July in each year at 9 o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, as far as the same are applicable, revising, correcting and equalizing the assessment roll of the city; the mayor shall be president of the board and the city clerk, clerk thereof. When the assessment roll shall have been completed, revised and corrected, it shall be filed with the clerk, and all changes of the assessment roll by the board of equalization shall be recorded by the clerk. Thereupon the common council shall by resolution levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied; but not exceeding the authorized per centage, specifying the purposes for which the same are levied. All taxes and assessments, general or special, levied under this act shall be and remain a lien upon the lands and tenements upon which they may be assessed, and on all personal property of any person or body politic assessed for personal tax, from the delivery of the warrant for collection thereof until paid.

Duty of clerk on receipt of assessment roll.

SECTION 58. It shall be the duty of the city clerk immediately on the receipt of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with the city and other local taxes, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent; and the clerk shall immediately make out a duplicate copy of such assessment roll when thus completed, and deliver the same to the treasurer on or before the second Monday in December in each year, and to each assessment roll so delivered a warrant under the hand of the clerk and the corporate seal of said city, shall be annexed, substantially in the following form: The state of Wisconsin to the city treasurer of the city of Port Washington in the county of Ozaukee.

Forms.

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay to the treasurer of the county of Ozaukee, on or before the last Monday in January next, the sum of ——— for state taxes, and the further sum of ——— for county taxes, and the balance of said money you are required to retain and pay out according to law; and in case said tax and assessment shall not be paid by the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Ozaukee.

Given under my hand and the corporate seal of the city of Port Washington, this ——— day of ———, 18—.

——— ———
City Clerk

The assessment roll and warrant thereto attached shall be prima facie evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

General law to govern.

SECTION 59. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided, and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is required by law of town treasurers to collect taxes except as herein provided.

Notice to be given in newspaper.

SECTION 60. Upon the receipt of the tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city that such tax list has been delivered to him for collection, and that he will receive payment for taxes at his office for the term of thirty days ensuing the date of said notice. If the taxes are not paid in that time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale by posting up not less than three written or printed notices in as many public places in said city.

SECTION 61. The treasurer shall collect as fees for the collection of taxes, one and one-half of one per cent. on all taxes collected by or paid to him prior to the second Monday of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him after the second Monday of January, and in case of a distress or sale made by him of goods and chattels for the payment of any tax, he shall collect the same fees as are allowed constables on sale of goods upon execution.

State tax—how paid.

SECTION 62. The treasurer shall, on or before the last Monday in January in each year, pay to the county treasurer the state tax assessed upon the property of said city.

Uncollectible tax.

SECTION 63. In case the city treasurer is unable to collect any tax assessed upon any personal property and payable by any person named in the tax list, he shall proceed in all things as are prescribed by the laws of this state and any act that may be hereafter passed amendatory of said acts in addition thereto.

Relief of poor.

SECTION 64. The laws of the state for the relief and support of the poor in towns shall apply to said city, and the common council shall appoint one or more of its number to act as overseers of the poor of the city, who shall perform all the duties of overseers of the poor in towns.

Common schools.

SECTION 65. The common schools of the city of Port Washington shall be under the control and supervision of the school district boards of each district, in the same manner as if this act had not been passed, and the same relations shall be sustained between said city and such schools, as near as may be, as between towns and school districts therein, and the same reciprocal powers and duties.

To apportion school money.

SECTION 66. The town clerk of the town of Port Washington for the year 1882, shall apportion all school money or school fund that is to be apportioned prior to the first day of September, 1882, to the several districts, a part of which is embraced in the city of Port Washington, in the same manner as though this act had not been passed.

May sue in corporate name.

SECTION 67. The city of Port Washington in its corporate name may sue for and recover any and all fines, penalties and forfeitures under said city charter and the acts amendatory thereof, or under the ordinances, by-laws or police or health regulations made in pursuance thereof, any general law of the state to the contrary notwithstanding; and it shall be lawful to com-

plain generally in debt for such penalty or forfeiture, stating the section of this act or the chapter or section of this act, or the ordinance, by-law or regulation, or the section of the ordinance, by-law or regulation, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. In all prosecutions for any violation of any of the provisions of this act, or any ordinance, by-law or regulation, the first process shall be a summons, unless oath be made for a warrant as in case of tort, before a justice of the peace, under the general statutes of the state for the time being; and when commenced by summons such summons may be substantially in the following form:

Forms.

County of Ozaukee, }
City of Port Washington, } ss.

The state of Wisconsin to the sheriff or any constable of said county, and to the marshal of the city of Port Washington:

You are hereby commanded to summon —— ——, if he shall be found in your county, to appear before the undersigned, a justice of the peace in and for the city of Port Washington, on the ——— day of ———, 18—, at ——— o'clock in the ———noon, to answer to the city of Port Washington, to the damage of said city, two hundred dollars or under.

Given under my hand, this ——— day of ———, 18—.

——— ———, Justice of the Peace.

Forms.

Such summons shall be made returnable and served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all the proceedings in the action, except as hereinafter provided, shall be governed by the laws of this state for the time being, relative to actions commenced by summons and triable before justices of the peace. When the action is commenced by summons, the complaint may be substantially in the following form:

The City of Port Washington }
against } In Justice Court,
A. B. }

C. D., Justice of the Peace.

The plaintiff complains against the defendant, for that, on the —— day of ——, 18—, at the said city, the defendant did violate section ——, of (this act) or section ——, of an ordinance, or by-law, or regulation of said city, (describing it by its title), which said —— is now in force. By reason of such violation an

action hath accrued to the city of Port Washington to recover of the defendant the sum of —— dollars; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the cost of this action.

In all cases where oath is made for a warrant, the complaint shall be made on oath, and substantially in the following form:

City of Port Washington against A. B. } In justice court, county of Ozaukee, ss. Forms.

—— ——, being duly sworn, complains on oath to C. D., a justice of the peace of the city of Port Washington, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate section ——, of (this act,) or section ——, of chapter ——, of (this act), or section —— of an ordinance, or by-law, or regulation of said city (describing it by its title), as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Port Washington therefor.

Sworn and subscribed this —— day of ——, 18—.

Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

County of Ozaukee, City of Port Washington,—ss. Forms.

The state of Wisconsin to the sheriff or constable of said county, or to the marshal of the city of Port Washington:

Whereas, —— ——— has this day complained to me, in writing, on oath, that A. B., on the ——— day of ————, 18—, at said city, did violate section ——, of this act, or section ———, of chapter ———, of this act, or section ——— of an ordinance, by-law, or regulation of said city, (describing it by its title); therefore you are hereby ordered to arrest the body of the said A. B., and bring him before me forthwith to answer to said city of Port Washington on the complaint aforesaid. C. D., Justice of the Peace.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned. The defendant, if required by the court, shall recognize with security, to be approved by the court, for his or their appearance, in such sum as the court may direct, or, in default may be put in the charge of the officer who made the arrest, or to be committed to the lock up or jail of said city. The complaint as aforesaid shall be the only complaint required, and

the answer of "not guilty" shall put in issue all the subject matter embraced in the action.

Printed copy to be evidence.

SECTION 68. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in a pamphlet or book form, purporting to be published by authority of the common council, as certified by the clerk of said city to have been so published, shall be prima facie evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

Witnesses and jurors to attend without fees in advance.

SECTION 69. Witnesses and jurors shall attend before a justice of the peace in all city and criminal suits, without payment of fees in advance, or a tender thereof, upon a process duly served, and in default thereof their attendance may be compelled by attachment.

Findings of court.

SECTION 70. In city prosecutions, the findings of the court or jury shall be "guilty" or "not guilty." If guilty, the court shall render judgment against the defendant for the fine, forfeiture or penalty prescribed in this act, or in an ordinance, by-law or regulation, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon rendition of judgment against the defendant, and the non-payment thereof, the justice shall forthwith issue execution as in other cases of tort in justices' court, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. The form of the execution and commitment shall be the same, as near as may be, and conform to the provisions of this act, as are prescribed in similar or like cases in justices' court in this state.

Appeal.

SECTION 71. Any party feeling aggrieved by the judgment in any action commenced under the provisions of this act may appeal from such judgment to the circuit court of Ozaukee county in the time and manner provided by law for appeals from justices' courts.

All competent.

SECTION 72. No person shall be an incompetent witness, judge, justice, or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Preservation of bridges.

SECTION 73. The general laws for the preservation of bridges, and the punishment provided by such laws for wilful and malicious injuries done thereto, are here-

by extended to, and shall include all the bridges now erected or hereafter to be erected over any stream by or in the city of Port Washington, and shall apply to any wilful and malicious damage which may be done to them; and the common council of the said city may, from time to time, make such by-laws and ordinances as it may deem necessary for the preservation of said bridges, and enforce the same by adequate penalties.

How service of summons may be made.

SECTION 74. When any action or suit shall be commenced against said city, the service of process may be made by leaving a copy of the summons with the mayor and clerk of said city; and it shall be the duty of said clerk to take such proceedings as by ordinance or resolution directed, if any there be.

City property exempt.

SECTION 75. No real or personal estate or property of any inhabitant or corporation of said city shall be levied on or sold to satisfy any contract or debt or obligation of said city, or any judgment against said city of Port Washington.

Contracts to be let by contract.

SECTION 76. All contracts for work ordered by the common council shall be let by contract or job, as the common council may direct and order.

SECTION 77. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect.

City to hold real estate.

SECTION 78. The said city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same, while owned or held by said city, shall be exempt from taxation, except as provided by the general laws of this state.

Status of the city.

SECTION 79. When the city of Port Washington deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Port Washington, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Who shall sign deeds, etc.

SECTION 80. Deeds or leases executed by the city shall be signed by the mayor and countersigned by the clerk, and the clerk shall attach to said deed or lease a true copy of an ordinance or resolution, authorizing the same by the common council, under the corporate seal of the city, which said corporate seal shall also be attached to and accompany the signature of the mayor, and such deed or lease and the certified copy of such ordinance or resolution when so attached to such deed or lease, shall be recorded with such lease or deed by

the register of deeds, and such copy when so attached, and the record thereof, shall in all the courts of this state be *prima facie* evidence of the authority of the mayor to execute such deeds or leases.

Failure to hold election not to invalidate.

SECTION 81. If any election by the people or common council shall for any cause not be held at the time or in the manner prescribed, or if the council should fail to organize as provided, it shall not be considered reason for arresting, suspending or abolishing said corporation, but such election or organization may be had at any subsequent day by order of the mayor, and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done and performed, the common council may appoint another time at which said act may be done and performed.

No general law shall repeal.

SECTION 82. No general laws of this state contravening the provisions of this shall be considered as repealing, amending or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this charter.

Board of supervisors to regard the city as a town in equalizing taxes.

SECTION 83. The board of supervisors of the county of Ozaukee shall have the right and shall regard the city of Port Washington as a town in equalizing the assessment rolls of the several towns in said county, as provided by law, and shall receive the mayor of said city or in his absence one of its aldermen, as a member of the county board. The said board of supervisors may levy tax or taxes as now is and may hereafter be provided by law in relation to towns, and shall cause the amount of taxes so levied to be certified to the city clerk in the manner provided by law in relation to towns or town clerks.

Shall transmit copy of assessment roll.

SECTION 84. Before the annual meeting of the board of supervisors of the county of Ozaukee, and by the time required by law for the return of the assessment from the several towns, the city clerk shall transmit a copy of the assessment roll or such statement as is required by law to be made by towns, to the clerk of the board of supervisors of said county, who shall lay the same before the board of supervisors at its annual meeting.

Shall sell all lands.

SECTION 85. The county treasurer shall sell all delinquent lands and lots returned from the city of Port Washington, at the same time and in the same manner as other delinquent lands are sold in the county.

SECTION 86. It shall be the duty of the county treasurer of the county of Ozaukee, and he is hereby required, where lots, tracts, pieces or parcels of land have been returned by the city treasurer as delinquent for any general tax of this state, or for any tax authorized under this act, immediately after the sale of such delinquent lots, tracts, pieces or parcels of land by him, to pay said city treasurer the amount which may have been returned delinquent, belonging to the city of Port Washington, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of lands so returned as delinquent. **Duty of treasurer in regard to delinquent lands.**

SECTION 87. The use of the jail of Ozaukee county shall be granted to the city of Port Washington, until otherwise provided for the confinement of offenders; and every such offender shall be delivered to the sheriff of said county, for whose safe keeping, custody and delivery said sheriff shall be responsible as in other cases. **Use of jail.**

SECTION 88. From and after the first Tuesday in April, A. D. 1882, the connection between the town of Port Washington and that part of said town included within the limits of the city of Port Washington, for all town purposes, shall be dissolved; all that part of the town of Port Washington, not included within the limits of the city of Port Washington, shall constitute the town of Port Washington, and the first town meeting shall be held at such place as the chairman of the board of supervisors of said town shall appoint. **Connection between town and city ceases.**

SECTION 89. The common council of said city shall have power by ordinances to establish dock and wharf lines upon the banks of the harbor in said city, where the same are now established, to restrain and prevent encroachments upon said harbor, and obstructions thereto; and the common council may annually appoint a harbor master; the duties and compensation of such harbor master shall be prescribed by the common council, by ordinance or resolution, and his term of office shall be one year and until his successor is appointed and qualified. **Shall establish dock and wharf lines.**

SECTION 90. The common council are hereby authorized by ordinance to protect the banks of said harbor so as to prevent the washing away of said banks, and to prevent sand and other obstructions from washing into said harbor; and for the purpose of carrying into effect the foregoing provisions of this section the common council shall have power to provide by ordinance for docking the banks of said harbor, and for **Shall protect banks of harbor.**

requiring the owners of docks to repair the same, and to require the several owners of lots or any portion thereof abutting on said harbor to dock the same in such manner and within such time as said council shall direct; and to make such other protection on any lot or lots abutting on said harbor to prevent obstructions from working into said harbor, as to said common council may seem meet and proper; and if the owner or owners of such lot or lots shall refuse, within the time specified by said council, to build or repair such dock or docks, or other protections, or otherwise comply with the provisions of such ordinance, the common council is hereby authorized and empowered to let the docking or filling up of such lots or other specified protection for such lots, by contract, to the lowest bidder for the same, and when it shall be completed according to said contract, and accepted by the common council, the mayor and city clerk shall issue a certificate for the contract price of work, which certificate shall be, from the time of the signature, a lien upon said lot or lots the same as other assessments, and shall be collected in the same manner as the taxes assessed on real estate are collected.

Outstanding certificates to be added to tax roll.

SECTION 91. The city clerk, shall, on the first day of December, annually, add to the tax roll of the city of Port Washington, in a separate column, as a special assessment, opposite the lots to be charged therewith, all outstanding certificates issued by the mayor and city clerk for the special improvements set out in the last preceding section, and the same shall be collected by the city treasurer as other taxes upon real estate are collected.

Docking.

SECTION 92. It shall be the duty of the common council to provide for the docking at the foot of the streets and for keeping such docks in repair, and to remove such obstructions from the harbor opposite to such streets as interfere with the free navigation of the harbor.

Real estate subject to special tax.

SECTION 93. Real estate exempted from taxation by the laws of this state shall be subject to special taxes or assessments which become or shall be chargeable against particular property as provided by this act.

Compensation.

SECTION 94. The city officers to be first elected under the provisions of this act, and their compensation not provided for by this act, shall receive a compensation for their services such sum as the common council shall determine, and the common council shall

in the month of March thereafter determine by resolution the salary to be paid to the different officers for the next ensuing year, which compensation shall not be increased or diminished during the term of office of said officers; and in case of a neglect to determine said compensation the said officers and each of them shall receive the same compensation as their immediate predecessor.

SECTION 95. In city prosecutions for the violation of any ordinance, by-law or regulation of said city, either party may call a jury as prescribed by law in justices' courts in this state, and the trial shall proceed in the same manner and be governed by the same rules as in the trial of cases in justices' courts under the general laws of this state. Law suits.

SECTION 96. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 55, A.] [Published March 3, 1882.]

CHAPTER 38.

AN ACT to authorize the construction of a dam across the Embarrass river, in Shawano county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. William Smith, his heirs and assigns, are hereby authorized to erect and maintain a dam across the Embarrass river, in the county of Shawano, on lands owned by said William Smith, at a point on the southeast quarter of section number nine (9), in township number twenty-six (26) north of range number fourteen (14) east; and to erect and maintain mills, machinery and necessary appendages to enable him or them to use the water of said river for hydraulic and boomage purposes; provided, that said dam shall not raise the water to exceed fifteen (15) feet. To build a dam. Shall build slides.

SECTION 2. The aforesaid person, his heirs and assigns, shall build suitable slides in said dam, so as to allow the free passage of logs and timber over said dam, and shall have full control of said dam at all times, for the protection and care of the same, but shall not unnecessarily delay the passage of logs and other productions of the forest. Penalty.

SECTION 3. Any person or persons who shall wilfully break, injure or destroy said dam, or any part thereof, or shall open the same, shall be liable to the owner or owners thereof, in an action, to the amount of

damages done, in addition to any penalty provided by law, be recovered before any court of competent jurisdiction.

SECTION 4. And provided further, that said Smith, his heirs and assigns, shall be subject to all the provisions of chapter 146 of the revised statutes, and all acts amendatory thereto, as far as the same may be applicable.

Section 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 35, A.] [Published March 8, 1882.]

CHAPTER 39.

AN ACT to authorize the county of Chippewa to erect and maintain a free bridge across the Chippewa river in said county and to issue bonds for the payment of the construction of same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorized to construct a bridge.

SECTION 1. The county of Chippewa is hereby authorized to erect and maintain a free bridge across the Chippewa river, in said county, at such point as the county board of said county or a duly appointed committee thereof may select, in sections sixteen, twenty-one, twenty-two, twenty-three, or twenty-six, in township number twenty-nine (29), range eight (8) west, in said county and state; provided, the same shall be constructed so as not to materially interfere with any of the existing franchise on said river.

To issue bonds.

SECTION 2. For the purpose of defraying the expense of erecting and constructing said bridge, the county board of said county are hereby authorized to issue the bonds of said county to an amount not to exceed twenty thousand dollars.

Six per cent.

SECTION 3. Said bonds, when so issued, shall run for ten years and bear interest at no greater rate than six per cent. per annum.

Levy tax.

SECTION 4. The said county board are hereby empowered to levy a tax annually on the taxable property of said county to defray the interest on said bonds as the same shall become due.

SECTION 5. The county board of said county are hereby empowered, after the expiration of five years from the date of issue of said bonds, to levy a tax sufficient to pay annually twenty per cent. of the amount or principal of said bonds so issued, and shall have the

power to call in and cancel that amount of same, paying said bonds according to their number.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 137, A.] [Published March 8, 1882.]

CHAPTER 40.

AN ACT to amend chapter 256 of the laws of 1881, relating to medical practitioners and repealing section 4 of said chapter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 256 of the laws of 1881 is hereby amended by adding the following at the end of section 3 of said chapter: The provisions of the foregoing act shall not be so construed as to prevent students from practicing under the direction of a qualified preceptor, nor women practicing midwifery, nor veterinary practitioners in their special departments. **Amendment.**

SECTION 2. Section 4 of chapter 256 of the laws of 1881 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 7, A.] [Published March 8, 1882.]

CHAPTER 41.

AN ACT to amend section 2464 of chapter 114 of the revised statutes, in relation to the jurisdiction of county judges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2464 of chapter 114 of the revised statutes is hereby amended as follows: In the first line before the word "Dodge," insert the word "Pepin;" in the seventh line after the word "counties," insert "In the county of Pepin, at the village of Pepin," so that said section when so amended shall read as follows: Section 2464. The county judges of the counties of Pepin, Dodge, Green Lake and Trempealeau may keep their offices and hold special terms of the county court at any time between the times of holding the regular terms, and transact any business that might be done at any regular term, or which may be continued from any regular term to such special term at the following places, in their respective counties: In the county of **Amended.** **Jurisdiction of county judges.**

Pepin, at the village of Pepin; in the county of Dodge, at Beaver Dam; in the county of Green Lake, at Princeton and Berlin; in the county of Trempealeau, at the village of Trempealeau; and all orders, judgments, decrees, and business which shall be made or done at such special terms and places, or as shall have been heretofore so made or done, are declared as valid as if made or done at regular terms.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 42, A.] [Published March 8, 1882.]

CHAPTER 42.

AN ACT to amend section 1447 of the revised statutes of 1878, relating to cemeteries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 1447 of the revised statutes of 1878 is hereby amended by inserting next after the word "association" in the fourteenth line thereof as follows: "and every city, village or town owning land for cemetery purposes," so that the section when amended will read as follows:

May hold land.

Section 1447. Any cemetery association, which shall have been organized under any law of this state, may take by gift or purchase and hold not exceeding forty acres of land, to be held and occupied exclusively for the burial of the dead; and personal property not exceeding ten thousand dollars in value, which shall be applied to promote the objects of the association; but when the cemetery grounds of any such association are situated near to and without the limits of a city of more than ten thousand inhabitants, such association may so take, hold and use not exceeding sixty acres of land. Such land or such portion thereof as may from time to time be required for burial purposes shall be surveyed and divided into lots of such size, and with such avenues, alleys and walks as the trustees may deem proper; and maps of said surveys shall be filed and recorded in the office of the register of deeds. Every such association and every city, village or town owning land used for cemetery purposes may also take and hold in trust, and loan, invest or otherwise dispose of, according to the trust, money or other property, for the purpose of expending the income arising therefrom, or the proceeds

thereof, in embellishing and keeping in repair such lot or lots and the surroundings in its cemetery as the donor may designate. Every such association may erect upon the lands belonging to it a suitable building for holding burial services therein.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

[No. 141, A.] [Published March 8, 1882.]

CHAPTER 43.

AN ACT for the preservation of fish in the waters of Bass Channel, Brown county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person or persons shall place, set, draw or use any seine, net, pound, gill net, spears or any other contrivance or device other than hook and line in the waters of Bass Channel, Brown county, Wisconsin, for the purpose of taking or catching fish therein; provided, however, that nothing in this act shall prevent or prohibit in any manner the catching of fish by means of hook and line in the months of May, June, July, August, September and October in each year. Preservation of fish in Bass Channel.

SECTION 2. Any person who shall violate any of the foregoing provisions of this act shall on conviction thereof be deemed guilty of a misdemeanor and be fined not less than five nor more than twenty-five dollars, with costs of prosecution.

SECTION 3. This act shall take effect and be in force from and after the first day of May, A. D. 1882.

Approved March 2, 1882.

[No. 16, A.] [Published March 8, 1882.]

CHAPTER 44.

AN ACT to repeal chapter 162 of the private and local laws of 1880, entitled an act authorizing and allowing horses, mules, cattle and sheep to run at large upon uninclosed lands in the county of Vernon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 162 of the private and local laws of 1880, entitled an act authorizing and allowing horses, mules, cattle and sheep to run at large upon un- Repealed.

inclosed lands in the county of Vernon, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1882.

[No. 37, S.] [Published March 4, 1882.]

CHAPTER 45.

AN ACT to amend chapter 195 of the general laws of 1881, entitled an act to amend section 509 of the revised statutes, relating to Webster's dictionary.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In relation to Webster's dictionary.

SECTION 1. Section 509 of the revised statutes, is hereby amended so as to read as follows: Section 509. The state superintendent is hereby authorized to furnish to any school district, or to any school or distinct department thereof in any city, village or town, one copy of Webster's unabridged dictionary, on the receipt of an affidavit of the district clerk, the school superintendent, or the secretary of the board of education of such village, city or town, that such school or department has not yet been supplied, or that the dictionary furnished to said school or department has been lost or is unfit for use, and on payment in advance of the cost price to said superintendent for any so to be replaced; and the state superintendent is further authorized to sell at the cost price to the industrial school for boys at Waukesha, the industrial school for girls at Milwaukee, the institution for the blind at Janesville, and the institution for the deaf and dumb at Delavan, on a written requisition being made by the superintendent of the institution, as many copies of Webster's unabridged dictionaries, not exceeding the number of school departments in the institution under his charge, as may be necessary for the educational purposes of the same. The state superintendent is hereby authorized to purchase from time to time each year, at a cost not exceeding seven dollars per copy, delivered at his office, a sufficient number of copies of Webster's unabridged dictionary to furnish the schools herein provided to be supplied; and there is hereby annually appropriated from the state treasury, out of funds not otherwise appropriated, a sum sufficient to carry into effect the provisions of this section.

Cost of same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 3, 1882.

[No. 77, S.] [Published March 9, 1882.]

CHAPTER 46.

AN ACT to appropriate a sum of money therein mentioned to Henry Sherry.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Henry Sherry out of the general fund the sum of three hundred and fifty-five dollars and forty-five cents for money due him, but paid to the state treasurer by Wm. Wall, timber agent, on account of a seizure and sale of certain logs cut by trespassers on the southeast quarter of the northeast quarter of section 16, township 23 north of range 4 east, in Wood county, which said land the said Henry Sherry then held and now holds under certificate number nine hundred; said money to be paid to said Henry Sherry upon his procuring and presenting to the state treasurer a patent of said land. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1882.

[No 62 S.] [Published March 9, 1882].

CHAPTER 47.

AN ACT to repeal chapter 306 of the private and local laws of 1881, in relation to fishways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 306 of the laws of 1881, entitled "an act to compel owners and occupants of dams in the town of Lodi, county of Columbia, to construct and maintain fishways," is hereby repealed. Fishways.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1882.

[No. 50, S.] [Published March 9, 1882]

CHAPTER 48.

AN ACT to amend section 1177 of chapter 50 of the revised statutes, relating to lands sold for taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1177 of chapter 50 of the revised statutes, relating to lands sold for taxes, is here- Lost certificates.

by amended by striking out the words "the land described in," in the seventh line of said section, so that said section when so amended shall read as follows: Section 1177. Whenever any certificate given by the county treasurer for lands sold for taxes shall be lost or wrongfully withheld from the owner and such land shall not have been redeemed, the county board may receive evidence of such loss or wrongful detention, and on satisfactory proof of the fact may cause a deed as aforesaid to be executed to such person as may appear to them to be the rightful owner of such certificate of the lands described therein; but no such deed, if wrongfully or improperly granted, shall be binding on the county in respect to any of its covenants, nor shall it vest any right, title or interest in the grantee or his assigns.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1882.

[No. 24, S.] [Published March 8, 1882.]

CHAPTER 49.

AN ACT to appropriate to the commissioners of fisheries a sum of money herein designated.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the commissioners of fisheries the sum of seven thousand dollars, out of any money in the treasury not otherwise appropriated, to be expended by them in the artificial propagation and distribution of fish, pursuant to the provisions of the statute.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1882.

[No. 23, S.] [Published March 9, 1882.]

CHAPTER 50.

AN ACT to authorize the common council of the city of Watertown to levy a tax for the purpose of building iron bridges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May levy tax to build iron bridges.

SECTION 1. Section 4 of chapter 3 of chapter 233 of the laws of 1865, entitled an act to consolidate and

amend an act to incorporate the city of Watertown and the several acts amendatory thereof, is hereby amended by adding to said section the following: The said common council is authorized to levy a tax, not to exceed five mills on the dollar, upon all the property liable to taxation in said city, toward the building and purchase of two iron bridges; provided, that the amount so levied and collected, as authorized by this act, shall be appropriated to no purpose, except such as specified in this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1882.

[No. 20, S.] [Published March 9, 1882.]

CHAPTER 51.

AN ACT to repeal chapter 204 of the laws of 1881, entitled an act to amend section 1556 of the revised statutes, relating to the sale of intoxicating drinks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 204 of the laws of 1881, entitled an an act to amend section 1556 of the revised statutes, relating to the sale of intoxicating drinks, is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1882.

[No. 19, S.] [Published March 10, 1882.]

CHAPTER 52.

AN ACT relating to the platting of lands in villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Every person owning any tract of land in or adjoining any village or city, who shall cause the same to be subdivided into lots, streets and alleys under the provision of chapter 101 of the revised statutes, shall cause the streets and alleys to be surveyed and platted in such manner that they shall properly connect with the established streets and alleys and also correspond in width and general direction with the same; provided, that in case it is impracticable to lay out any streets or alleys, in the manner above directed, the president and trustees of the village and the Relating to platting land in villages.

common council of the city wherein said tract is situated may, by resolution, consent to a different mode of platting such streets and alleys.

SECTION 2. No map of any subdivision of land into lots, streets and alleys shall be entitled to record if the streets and alleys designated therein shall not properly connect and correspond in width and general direction with the established streets and alleys unless a certified copy of the resolution of the president and trustees or common council, as provided for in the foregoing section, be attached to the map and certificate specified in section 2261 of the revised statutes, and said copy shall be recorded in full with such map and certificate.

Penalty.

SECTION 3. Every person who shall cause any map to be recorded or who shall dispose of, offer for sale, lease or contract for sale any lots of lands designated upon any plat laid out contrary to the foregoing requisitions, shall forfeit and pay a sum not less than fifty dollars nor more than two hundred dollars; all forfeitures and liabilities which may be incurred and arise under and by virtue of this section shall be prosecuted for and recovered in the name of the village or city and paid into the village or city treasury for the use and benefit of the said village or city.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1882.

[No. 52, A.] [Published March 9, 1882.]

CHAPTER 53.

AN ACT to authorize the town of West Kewaunee, in Kewaunee county, to build and maintain a bridge across the Kewaunee river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorized to build a bridge.

SECTION 1. The supervisors of the town of West Kewaunee, in Kewaunee county, and their successors in office are hereby authorized at the expense of their town, to build and maintain a bridge across the Kewaunee river at a point where the Bolme highway crosses said river in section 12 in said town of West Kewaunee.

How built.

SECTION 2. The said bridge may be built and maintained by the said town under the general laws of this state relating to the building and maintenance of

bridges by towns; and said bridge shall be nine feet clear above high water mark at the channel of said river, and shall leave the channel of said river forty feet wide, clear from all obstructions, and that said town shall, whenever it shall become necessary, put in and maintain a draw sufficient for the passage of boats and vessels.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1882.

[No. 464, A.] [Published March 10, 1882.]

CHAPTER 54.

AN ACT to amend chapter 21 of session laws of 1882 entitled an act to incorporate the city of Baraboo.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of subchapter 2 of chapter 21 of the laws of 1882 is hereby amended so as to read as follows: Section 2. The elective officers of said city shall be a mayor, treasurer, assessor, police justice, and from each of the three wards, one supervisor to represent the city in the county board of supervisors, one justice of the peace and three aldermen. All other necessary officers shall be appointed by the common council. The aldermen shall be legal voters and freeholders in said city of Baraboo; all other officers shall be voters and residents in said city. The mayor and treasurer shall hold their offices for one year; the police justice and justices of the peace shall hold their offices for two years; all officers elected or appointed shall hold their offices until their successors are elected or appointed and qualified, unless expelled or removed by the common council, as hereinafter provided. The mayor shall have power to suspend any police officer or watchman appointed by the council, for cause, until the council shall take up the case and dispose of it, which shall be done within twenty days after such suspension: The mayor may also fill any vacancy thus created for the time being, until such case be acted upon by the common council. Whenever the mayor shall suspend any officer or appoint one, as above provided, he shall immediately notify the common council of such suspension and appointment, with his reasons therefor. Amendment.

SECTION 2. Section 8 of sub-chapter 2 of chapter Amendment.

21 of the laws of 1882, is hereby amended so as to read as follows: Section 8. When the polls of an election be finally closed, the inspectors shall proceed to count and canvass the votes, and shall make a return of the number of votes cast in their election precinct for each and every office, and the number of votes cast for each and every person for each and every office, and shall deliver forthwith such return to the city clerk, and within one week after such election the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected of their election. The clerk shall also notify the clerk of the circuit court of Sauk county of all elections of justices of the peace, and the appointment of city marshal, and shall notify the county clerk of the election of treasurer and supervisors to represent said city in the county board of supervisors, and of the city assessor.

Amendment.

SECTION 3. Section 3 of sub-chapter 3 of said chapter 21 of the laws of 1882, is hereby amended so as to read as follows: Section 3. At the first meeting of the common council after their election in each year, they shall proceed to elect by ballot one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case both the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president, or the temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. The common council shall also at their first annual meeting, or so soon thereafter as may be, appoint the following officers: city clerk, marshal, attorney, surveyor, one street commissioner, and other officers or agents necessary to the good of the government of the city, who shall hold their said offices for one year, unless removed as hereinafter provided. They shall at the same time fix the compensation or salary, and may prescribe the duties pertaining to the same.

SECTION 4. Section 2 of sub chapter 6 of said chapter 21 of the laws of 1882, is hereby amended so as to read as follows: Section 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or at the expiration of such publication, as the case may be, application will be made to the police justice of the city of Baraboo, or a court commissioner for the county of Sauk, for the appointment of twelve jurors to view said premises and determine whether it will be necessary to take the same for the purposes specified in said petition, and if so to assess the damage. Amendment.

SECTION 5. Sub chapter 12 of said chapter 21 is hereby amended by striking out all of said chapter after section 26, and adding in place thereof the following: Amendment.

Section 27. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair, is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises. Owners of lots to repair sidewalks, etc.

Section 28. The citizens of the town of Baraboo shall have the privilege to hold all town meetings and all general and special elections at such place in the city of Baraboo as they may determine, and the officers of said town of Baraboo may transact all town business in said city, and with the like effect as if held or done in the town of Baraboo. Town meetings in city of Baraboo.

Section 29. The paupers of said city shall be removed to the poor house of the county of Sauk by the mayor or aldermen in like manner as they are removed from the several towns in said county. Paupers to be removed to poor house.

Section 30. All officers of the village of Baraboo shall hold their respective offices until the city officers under this act shall be elected or appointed and qualified; and all property, real and personal, books, papers, maps, etc., belonging to said village of Baraboo, shall be and become the property of the city of Baraboo upon its organization under this act. Officers to hold over.

Section 31. The regular committees of the common council shall be as follows: On finance, streets, ordinances, fire department and licenses, and shall be appointed by the mayor at the first meeting after the annual election, or so soon thereafter as convenient. Committees.

Section 32. The common council may by unanimous vote thereof, remit any tax or special assessment, or any part thereof, whereon the same shall be manifestly illegal or unjust. May remit tax.

Expenditures. Section 33. The common council may expend for the improvement of any highway or highways leading into said city, not to exceed four hundred dollars in any one year.

May remove officers. Section 34. The common council may, by a two-thirds vote thereof, upon due notice and hearing, expel any member thereof or remove any officer or agent of the city for incompetency, misconduct or neglect in the discharge of official duties.

Repeal. Section 35. All acts and parts of acts, conflicting with the provisions of this act, particularly the act incorporating the village of Baraboo, and all acts amendatory thereof, are hereby repealed.

SECTION 6. This act shall be in force and take effect from and after its passage and publication.

Approved March 6, 1882.

[No. 133, A.] [Published March 9, 1882.]

CHAPTER 55.

AN ACT to detach the county of Waukesha from the second judicial circuit, and to attach the same to the thirteenth judicial circuit; and amendatory of section 2423 of the revised statutes of 1878, and also amendatory of chapter 37 of the laws of 1881.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county of Waukesha is hereby detached from the second judicial circuit and attached to and made part of the thirteenth judicial circuit, and the thirteenth judicial circuit shall hereafter comprise the counties of Dodge, Washington, Waukesha and Ozaukee.

Terms of court SECTION 2. The general terms of the circuit court for the thirteenth judicial circuit shall be held as follows: In the county of Washington on the third Tuesday in October and the third Tuesday in March. In the county of Ozaukee on the first Tuesday in September and the first Tuesday in March. In the county of Dodge on the fourth Tuesday in September and the second Tuesday in February. In the county of Waukesha on the first Tuesday in December and the fourth Tuesday in May. Special terms for the county of Waukesha shall be held on the fourth Tuesday in August and the first Tuesday in February, but no jury shall be summoned for such special terms.

SECTION 3. All writs, summons, recognizances, process, informations, motions, orders to show cause,

and all jurors summoned to attend, and all notices of trial, notes of issue, and all other proceedings returnable at, pending and to be heard in said circuit court for Washington county, on the third Monday in March, 1882, the day heretofore fixed as the first day of the term in said county of Washington, shall be, and shall be held to be, returnable to, set for hearing, summoned to attend and noticed for trial on the third Tuesday in March, 1882, and shall be answered unto, heard, tried, determined and disposed of, and the jurors shall attend, on said third Tuesday of March, 1882, the same as if in terms returnable to, set for hearing, summoned to attend, or noticed for trial on said last named day.

SECTION 4. All acts or parts of acts conflicting with this act are hereby repealed so far as they conflict or are inconsistent with this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1882.

[No. 15, A.] [Published March 13, 1882.]

CHAPTER 56.

AN ACT to consolidate and amend an act entitled "an act to incorporate the city of Oconto, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY OF OCONTO — ITS CORPORATE POWERS.

Corporate powers.

SECTION 1. All that district of country in the county of Oconto hereinafter described, from and after the eleventh day of March, A. D., 1869, shall be a city by the name of Oconto, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation, by the name of the city of Oconto, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

CITY BOUNDARIES.

City boundaries.

SECTION 2. All of sections thirteen (13) and twenty-four (24), township twenty-eight (28) north of range twenty-one (21) east; also sections seventeen (17), eighteen (18), nineteen (19) and twenty (20), township twenty-eight (28) north of range twenty-two (22) east, shall be and constitute the limits of a city by the name of Oconto.

WARD BOUNDARIES.

Ward boundaries.

SECTION 3. The said city shall be divided into four wards, as follows: All that part of said city which lies south of the Oconto river shall be called the south ward; all that part of said city which lies east of Superior street and north of Oconto river shall be called the east ward; all that part of the said city which lies north of the Oconto river and west of a line commencing at the bank of said river on the line between lots three (3) and four (4) of section nineteen (19) township twenty-eight (28), range twenty-two (22), and running thence north to the north line of said city, shall be called the west ward; and all that part of said city which lies north of the Oconto river between said west ward and Superior street shall be called the north ward.

COMMON COUNCIL.

Common council.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act.

CHAPTER II.

ELECTIONS.

Elections.

SECTION 1. The annual elections for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon until sundown, but the board may adjourn the polls at 12 o'clock noon one hour, and ten days' previous notice shall be given by the common council of the time and place of holding such elections, and of the city and ward officers to be elected.

ELECTIVE OFFICERS.

SECTION 2. The elective officers of said city shall be a mayor, treasurer and assessor for the city at large, and three aldermen, one justice of the peace, one supervisor, and one constable for each ward, which said officers shall hold their respective offices as follows: The mayor, treasurer and assessor for one year; also one supervisor and one constable from each ward who shall also be elected for one year. The alderman from each ward to be elected for three years; justices of the peace from each ward to be elected for two years. The mayor, treasurer and assessor shall be qualified electors, residents and freeholders of said city, and the ward officers shall be qualified electors, residents and freeholders of the respective wards for which they are elected. Each of said officers shall continue in office for his respective term and until his successor is elected and qualified, and shall have such power and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city, not inconsistent with this act, or which may not be incompatible with the nature of their respective offices. Elective officers.

ELECTIONS—HOW CONDUCTED.

SECTION 3. The election of city and ward officers herein designated shall be presided over by the inspectors and clerks of election appointed under the general laws of this state, who shall see the names of the voters registered, and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the vote presented; shall count the ballots at the close of the polls, and shall certify and seal two returns; and the day following the election shall direct and return one of the said returns to the city clerk of the city of Oconto, and the other to the county clerk of the county of Oconto. The mayor of the city and members of the common council shall constitute a board of canvassers, who shall, within four days after such election, meet at the common council chamber and canvass such returns; and after the aforesaid returns have been canvassed by said board, the city clerk shall notify, by a certificate, the persons elected to the respective offices. Said elections shall be conducted in accordance with this act and the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as an violation of the election laws in any part of the state. Elections—how conducted.

WHEN OFFICE DEEMED VACANT.

Vacant offices.

SECTION 4. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office and the common council shall proceed to fill such vacancy as herein provided.

VACANCIES — HOW FILLED.

Vacancies—how filled.

SECTION 5. In the event of a vacancy in the office of mayor, justice of the peace or alderman, by death, resignation, removal or other disability, the common council shall order a new election, and shall give ten days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

ELECTION BY BALLOT—TIE VOTE.

Vote by ballot.

SECTION 6. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the common council shall be as they may determine. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct.

QUALIFIED ELECTORS.

Qualified electors.

SECTION 7. All qualified electors at general elections in this state who shall be residents of the ward where they offer to vote shall be entitled to vote for any officer to be elected under this act.

CHALLENGE OF VOTERS — OATH — PENALTY FOR ILLEGAL VOTING — INSPECTORS TO KEEP LIST.

Challenge of voters, illegal voting, duties of inspectors, etc.

SECTION 8. If either of the inspectors of election shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving any such vote, shall require the voter offering his vote to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of

the United States (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election; that you are now a resident of this ward, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to prosecution, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their votes. And if any inspector shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, such inspector or clerk shall be liable to prosecution, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit or municipal court for the county of Oconto.

SPECIAL ELECTIONS.

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by inspectors of election as provided by this act, and returns thereof shall be made in the same time, form and manner as of annual elections. Special elections.

CLASSIFICATION OF ALDERMEN.

SECTION 10. The aldermen of each ward who are now in office shall continue in office until the expiration of the terms for which they were respectively elected; and there shall be elected annually, on the first Tuesday in April, one alderman in each ward, who shall hold his office for three years. Classification of aldermen.

CHAPTER III.

OATH OF OFFICE — OFFICIAL BOND.

Oath of office—bond.

SECTION 1. Every person elected or appointed to any office under this act except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, chief of police, street superintendent, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Oconto a bond, in such sum and with such security and such conditions as the common council may direct; and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

OFFICERS — THEIR POWERS AND DUTIES.

Powers and duties of officers.

SECTION 2. The mayor shall, when present, preside over the meeting of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city, and in case of a riot or other disturbance, or apparent necessity he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same and before the expiration of the said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not, at the next regular meeting after receipt of such objection or such filing with the clerk, re-enact such ordinance or pass such resolution, by the votes of two-thirds of all the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

SECTION 3. At the first meeting of the common council in the year, they shall proceed to elect, by ballot, one of their number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and the president shall be absent from any meeting of the common council they shall proceed to elect a temporary presiding officer, who for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board, or performing the duties of the mayor, shall be styled acting mayor, and acts performed by them or either of them shall have the same force and validity as if performed by the mayor, except the signing of the city bonds; and said common council shall also at their first meeting in each year elect a clerk, marshal, attorney and physician for the city, who shall hold their respective offices for the term of one year and until others are elected and qualified. Who to be president.

CITY CLERK—HIS DUTIES.

SECTION 4. The clerk shall keep the corporate seal, and all the papers and records of the city, and keep a record of the proceedings of the common council at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him to have been compared by him with the original and to be a correct transcript therefrom under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and shall keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns, and all chattel mortgages so filed and the renewals thereof shall be as valid and legal as if the same had been filed in the town clerk's office in any town. He shall see that all ordinances, orders, resolutions, notices and other matters requiring publication are promptly and correctly published in Duties of city clerk.

such paper as the council may have directed and that the proof thereof be made and recorded. He shall act as clerk of the board of equalization. He shall keep a full and accurate account of all certificates of appropriation and orders drawn on the city treasury, in a book provided for that purpose, and shall also keep an accurate account with the treasurer and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. He shall perform such other duties not here enumerated as may be required of him in his said capacity by the common council or by the general laws of the state of Wisconsin in relation to the assessment and collection of taxes in said city. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations.

JUSTICE OF THE PEACE.

Justice of the peace.

SECTION 5. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that their official bonds shall be approved by a majority of the common council, and in addition thereto they shall have jurisdiction in all cases arising under this act and the ordinances, resolutions and by-laws passed by said city council, unless therein otherwise provided. All constables elected by virtue of this act shall have and exercise the same powers and duties and be subject to the same liabilities as constables of towns.

TREASURER—HIS DUTIES.

Duties of treasurer.

SECTION 6. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise under the authority of this act, or which may belong to the said city, shall be paid into the city treasury and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor, and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book or books to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time

when, and the person from whom the amount of the several sums was received, which books shall at all reasonable times be open to the inspection of any person. At the first regular meeting of the common council in each month he shall make a report stating in detail the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury, and also the total receipts and disbursements during the same time and the condition of each of said funds at the date of the report. On the first Tuesday of April in each year the treasurer shall file in the office of the city clerk a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund and the condition of such funds at the date of the report. He shall also be collector of taxes and receive such compensation for his services as hereinafter provided, and at the expiration of his term of office he shall hand over to his successor all moneys, books, papers and property in his possession, belonging to said city, and he shall have the same powers and be subject to the same liabilities and be governed by the same laws as treasurers of towns. The treasurer shall be ineligible for re-election to the same office for one year next succeeding the termination of his office.

MARSHAL — POWERS AND DUTIES.

SECTION 7. The marshal shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the council for the preservation of public peace and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary, in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstruction in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offence against any ordinance of the said city or the laws of this state, and within reasonable time bring such person before competent authority for examination, and for such services shall receive such fees as are allowed to constables for like services. He shall have

Duties of marshal.

power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

CITY ATTORNEY — POWERS AND DUTIES.

Duties of city attorney.

SECTION 8. The city attorney shall be appointed by the common council, and shall be subject to removal at the pleasure of the council. He shall conduct all the law business of the corporation and of all departments thereof, and all other law business in which the city shall be interested, when so directed by the common council. He shall, when requested, furnish written opinions on subjects submitted to him by the mayor, or by the common council, or by any of its committees, or by any other department of the municipal government. He shall keep a docket of all the cases in which the city may be a party in any court of record, in which shall be briefly entered all steps taken in such cases, and said docket shall at all times be open to the inspection of the mayor or any member of the common council, or any city officer. It shall also be the duty of the city attorney to draft all indentures, bonds, contracts, leases, conveyances, and other such instruments in writing as may be required by the business of the city, to examine and inspect tax and assessment rolls, and all proceedings in respect to the levy and collection of taxes and assessments, and to perform such other duties as may be provided by the charter and ordinances of the city. He shall have power to appoint an assistant, who shall be authorized to do all acts required by law to be done by the city attorney; provided, that the city attorney shall be responsible to the city for all the acts of such assistant, and that the city shall not be liable for the compensation of such assistant, nor have any power to pay the same. The city attorney shall receive for his services an annual salary, to be fixed by the common council, payable quarterly.

CITY PHYSICIAN — DUTIES.

Duties of city physician.

SECTION 9. The city physician shall have charge of all the sick under the care of the city, furnish all necessary medicines and render for them such medical and surgical aid as their condition requires and as in his judgment becomes necessary for their restoration to health, and shall discharge such other and further duties concerning the sanitary condition of the city as the mayor and aldermen may impose. His salary shall be fixed at the first meeting of the common council in each year.

MAY ELECT STREET SUPERINTENDENT AND SURVEYOR.

SECTION 10. On the second Tuesday of April in each year, or within ten days thereafter, the common council may elect one superintendent of streets and a city surveyor, each one of which shall hold his office until the next second Tuesday in April; and the common council shall have power to fill, from time to time, vacancies that may exist in said offices. Election of street superintendent and surveyor.

ASSESSOR — HIS DUTIES.

SECTION 11. The assessor shall assess all the taxable property of the city of Oconto as required by law, without regard to wards, and shall complete and return his assessment roll in the manner hereinafter provided, and receive such compensation as the council may determine. Duties of assessor.

MAY REQUIRE OTHER DUTIES.

SECTION 12. The common council shall have power from time to time to require other officers and further duties to be performed by any whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by it, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office. May require other duties.

PEACE OFFICERS — THEIR POWERS AND DUTIES.

SECTION 13. The mayor or acting mayor, sheriff of Oconto county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Oconto county, constable, policeman, and watchman shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for that purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings. Duties of peace officers.

OFFICERS SHALL DELIVER MONEYS, BOOKS, ETC., TO SUCCESSOR.

Officers shall deliver money, books, etc.

SECTION 14. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

OFFICIAL NEWSPAPERS.

Official newspapers.

SECTION 15. The common council, at their first meeting in each year, or as soon thereafter as may be, shall provide that all printing authorized or required by it to be done for the city shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a newspaper, printed and published in the city of Oconto, unless the bids of such publishers shall be deemed exorbitant, or unless such publishers should fail to bid. All ordinances and other proceedings required by this act, or by the resolutions or ordinances of the common council to be published shall be published in the newspaper so selected, and said paper shall be the official newspaper of said city. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit or the affidavit of his or their foreman of the length of time the same has been published; and such affidavits shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

CHAPTER IV.

THE COMMON COUNCIL AND ITS POWERS.

Duties of common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Oconto do ordain," etc. The common council shall meet at such time and places as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

SECTION 2. The common council shall hold their first meeting in each year on the second Tuesday in April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings, by notice to each of the members to be served personally, or left at their several places of abode. The common council shall determine the rules of its own proceedings and be judges of the election and qualification of its own members, and have power to compel the attendance of absent members.

FINANCE.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and all of the other property in the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of v ce, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, and so enforce as they shall deem expedient; declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinance, resolution or by-laws. Finances.

LICENSE SHOWMEN, ETC.

1st. To license, suppress and prohibit the exhibition of common showmen or shows of any kind, or exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys; and to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state or at common law; and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same, and the license fee for so dealing in or vending spirituous, vinous or fermented liquors, shall be one hundred dollars, and all such licenses hereafter granted shall run from the first day of May in each year; provided, however, that when any such license May license showmen, etc.

tality, and to exempt burial grounds set apart for public use from taxation.

WEIGHT OF BREAD.

Assize of bread. 13th. To regulate the assize and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto.

RIDING ON SIDEWALKS.

Riding on sidewalks. 14th. To prevent all persons riding or driving any horse or mule, cattle or other animals on the sidewalks in said city, or in any way doing damage to such sidewalks.

FIREARMS, ETC.

Firearms. 15th. To prevent shooting of firearms or crackers and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof.

RESTRAIN DRUNKENNESS.

Restrain drunkenness. 16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

REGULATE RUNNERS.

Regulate runners. 17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

POLICE.

Police. 18th. To make rules and ordinances for the government and regulation of the police of the city.

PUBLIC MARKETS.

Public markets. 19th. To establish public markets and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions.

HAY, WOOD, ETC.

Hay, wood, etc. 20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

REMOVE SNOW, ETC.

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction of the objectional substances by some officer of the city, at the expense of such owner or occupant. Remove snow, etc.

CONTAGIOUS DISEASES.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Contagious diseases.

AUCTIONS AND AUCTIONEERS.

23d. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise, and other property at public auction, and to grant licenses for the sale of goods, wares and merchandise and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses; provided, it shall not be lawful to charge less than five dollars nor more than five hundred dollars for any such license for one year; and provided also, that nothing in this section shall prohibit, or affect in any manner, sales at auction in cases specified in section 1585 of the revised statutes. Auctions and auctioneers.

WATCHMEN.

24th. To appoint watchmen and prescribe their duties. Watchmen.

WEIGHTS AND MEASURES.

25th. To provide by ordinance a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

TREES, ETC.

26th. To protect trees and monuments in said city. Trees, etc.

SEWERS.

27th. To prescribe and regulate the construction of sewers within the city. Sewers.

MAY CHANGE NAMES.

28th. To alter or change the name of any street in the city. Change names.

SITES AND BUILDINGS.

Sites and buildings.

29th. To locate, purchase sites, and let contracts for the erection and construction of public buildings.

OPENING OF STREETS.

Opening streets.

30th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes, or alleys, and to keep them free from incumbrances and to protect them from injury.

WHARF AND DOCK LINES.

Wharf and dock lines.

31st. To establish wharf and dock lines upon the banks of the Oconto river within said city, and restrain and prevent encroachments upon said river and obstructions thereto, and to construct, alter and maintain, or cause to be constructed, altered or maintained at the expense of the city or either ward, wharves at the foot of the streets along the banks of said river.

BY-LAWS.

By-laws.

34th. To make, ordain, amend and repeal such ordinances, by-laws and police regulations not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

ORDINANCES—HOW ENACTED.

Ordinances—how enacted.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by the affirmative vote of a majority of the common council, and shall be signed by the mayor; and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city, once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded the publication thereof, respectively, within the said time, shall be proved by the affidavit of the publisher or foreman of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as *prima facie* evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of publication thereof aforesaid, or a transcript of such record, certified by the clerk under the seal of the city,

or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor, which votes shall be taken by ayes and noes, and entered upon the proceedings of the council.

COMMON NUISANCES.

SECTION 5. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept, at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances. Common nuisances.

AUDIT ACCOUNTS — MAY REQUIRE EXHIBITION OF BOOKS AND VOUCHERS.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent and all other officers or agents of the city, at such time as it deems proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two thirds of its Auditing accounts.

members, upon reasonable notice, for cause, to remove from office any officer of the city, elected by the common council, or whose appointment shall have been confirmed by it.

CHAPTER V.

FINANCES AND TAXATION.

Finances and taxation.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city. City orders shall be receivable for all taxes except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such fund respectively; and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

LEVYING TAX.

Levying tax.

SECTION 2. The common council of said city shall annually levy upon the taxable property of the city, to defray the current expenses of said city, a tax not exceeding one-half of one per cent., and for all other purposes, except for schools, bridges, and the payment of principal and interest of any outstanding debts or obligations of said city, a tax not exceeding one-half of one per cent. upon all the taxable property of said city.

BRIDGES.

Bridges.

SECTION 3. The bridges erected by said city across the Oconto river shall be under the charge and control of the city council, and the charges and expenses necessarily incurred in attending, opening, taking care of, repairing and reconstructing said bridges, or either of them, or any part thereof, shall be chargeable to and payable by said city. And whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purpose, not exceeding one thousand dollars in any one year, and when so levied the same shall be carried out by the city clerk in a separate column in the tax-roll, particularly specifying the purpose for which such tax is levied, and the said taxes,

when so levied, shall be collected at the same time as other city taxes are collected; provided, nothing in this section shall prevent the mayor and common council from appropriating a sufficient amount or sum of tax certificates held or owned by said city to build a bridge or bridges across the Oconto river within said city. And said city is hereby authorized and empowered to erect and maintain a new bridge or bridges across the Oconto river, in said city, in place of any of the bridges heretofore maintained by said city across said river; provided, said bridge or bridges shall be so constructed as not to interfere with the navigation of said river any more than the bridge heretofore maintained at the same point, and all contract or contracts not absolutely void heretofore entered into by said city for the construction of any bridge across said river within said city not in confiict with this act are hereby legalized and declared to be in full force and virtue.

SPECIAL TAXES.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting for the purpose of paying the interest or principal of any outstanding debts now due, or hereafter to become due, issued by the village or city of Oconto, or which may hereafter be issued by said city by authority of law; provided, however, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such debts at the time such tax shall be collectible by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes, and, when so levied, the same shall be carried out in a separate column in the tax roll by the city clerk, particularly specifying the purposes for which such tax is levied, and the said taxes when so levied, shall be collected at the same time as other city taxes are collected. Special taxes.

ACCOUNTS TO BE VERIFIED.

SECTION 5. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf, which verification shall be substantially as follows; I, ——— ———, being duly sworn, depose and say that the above account is just and true, and the same has not been paid, or any part thereof, and that the same accrued by order of ———. Subscribed and sworn to before me, this ——— day of ———, A. D. ——. Accounts to be verified.

WHEN CLAIMS DISALLOWED.

When claims disallowed.

SECTION 6. When the claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of such council to the circuit court for the county of Oconto, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjusted against the appellant by the court.

CLERK TO GIVE NOTICE OF APPEAL.

Notice of appeal.

SECTION 7. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Oconto; and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest on such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of the costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess.

CLAIMS MUST BE PRESENTED.

Claims must be presented.

SECTION 8. No action shall hereafter be maintained by any person against the city of Oconto upon any claim or demand other than a city bond or order, unless such person shall have first presented his claim to the common council of said city.

FINAL UNLESS APPEAL TAKEN.

Final unless appeal taken.

SECTION 9. The determination of the common council disallowing in whole or in part any claim of

any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council, as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be so construed as to prevent the institution and maintenance of an action by such claimants against said city.

CHAPTER VI.

ASSESSING, LEVYING AND COLLECTING TAXES.

Assessing, levying and collecting taxes.

SECTION 1. Within such time as the common council shall designate, the assessor shall make out a complete and accurate assessment roll, which shall contain as near as may be a description of all lands, lots or parcels of land within said city, sufficient to identify the same and as hereinafter mentioned and described, and also of all persons or bodies politic or corporate liable to pay taxes on personal property, and opposite to such lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic or corporate shall be affixed the value of the personal property for which said person, body politic or corporate shall be assessed. The value of such property shall be assessed in the same proportion as the laws of the state prescribe.

HOW ASSESSOR TO ASSESS.

How assessor to assess.

SECTION 2. The assessor shall assess all real estate in the city of Oconto, subject to taxation, in numerical order or as hereinbefore stated, in a book to be kept for that purpose in the office of register of deeds of Oconto county, which book shall be known and designated as the "assessor's book of the city of Oconto," and the assessor shall enter the name of the owner, when he can ascertain the same, opposite such lot or lots or parcels of land.

BOOK TO BE PART OF RECORDS.

Book to be part of records.

SECTION 3. The assessor's book shall be a part of the public records of Oconto county and city, of the same legal force with other public records of real estate, to effect the purposes of this chapter.

CITY COUNCIL — DUTIES.

Duties of city council.

SECTION 4. The city council of the city of Oconto shall cause the "assessor's book" to be written up annually, by adding thereto or changing all descriptions of lots or parcels of real estate which have by subdivision or otherwise become liable to taxation since the said assessor's book was last written up.

REAL ESTATE — TO BE DESCRIBED.

Describe real estate.

SECTION 5. Each and every parcel of real estate in the city of Oconto liable to taxation, which has been conveyed by metes and bounds, shall be described in the assessor's book as nearly as may be in the words of the deed by which such parcel is conveyed of record. And any lot which has not been so conveyed by deed or which is not numbered on a recorded plat, shall be described in the assessor's book by a correct and pertinent description, and the common council may employ a competent surveyor if necessary to obtain any such description, and no description of land shall be deemed insufficient by reason of the use of abbreviations or figures or signs commonly used in describing land.

STYLE OF DESCRIPTION.

Style of description.

SECTION 6. Each and every lot or parcel of land described in the assessor's book as provided in the preceding section shall also be known and designated in said book by numbers thus: Part 1 (or other number) of lot —— (or other government subdivision) of section ——, township ——, range ——, or part (number) of lot ——, block ——, in —— ——'s addition to the city (or village) of Oconto.

DESCRIPTION TO BE SUFFICIENT.

To be sufficient.

SECTION 7. In all the assessment and tax rolls, and in all advertisements, papers, certificates, conveyances, or proceedings for the assessment and collection of taxes, and proceedings founded thereon as well heretofore as hereafter, any description by number, as provided in the preceding section, shall be sufficient, and shall be held to include and be a part of the description of the same lot or parcel of land written at length upon the "assessor's book."

MAPS TO BE KEPT.

Maps to be kept.

SECTION 8. A map of the city of Oconto, upon which every lot or parcel of land in said city shall be correctly drawn and designated, shall be kept in the office of the city clerk. And a duplicate copy of said

map upon tracing vellum or other map paper, shall (or may) be kept in the office of the register of deeds, and said map (or maps) shall be written up and corrected annually, so as to correspond with the assessor's books, and shall be a public record in connection with and a part of the records of assessment and taxation in said city.

DESCRIPTION TO BE BINDING.

Description to be binding.

SECTION 9. Any conveyance or instrument in writing, by which any estate or interest in real estate in the city of Oconto is created, aliened, mortgaged or assigned, or by which the title to any real estate in said city may be effected in law or equity, describing such real estate or interest therein by number, as provided in section six of this chapter, shall be legal and binding in all respects as if described by metes and bounds.

OMISSIONS — HOW PROCEED.

Omissions — how proceed.

SECTION 10. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the two proceeding years, and that the same was then liable to taxation, he shall, in addition to the assessment for the current year assess upon the lot or tract so omitted the just valuation thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had if made in the year when the same was omitted.

ASSESSMENT TO BE COMPLETED.

Assessment to be completed.

SECTION 11. The said assessment roll shall be made and completed by the assessor on or before the first Monday in July in each year. When the same shall be completed the said assessor shall give at least one week's notice thereof in the official paper of the city, of the time and place where the board of equalization will meet for the purpose of hearing objections of parties deeming themselves aggrieved by such assessment; and at the time mentioned in said notice the said board shall meet, and may adjourn from day to day until they shall have heard all parties appearing, and after hearing the same the board of equalization shall make such alterations or revisions as justice and equity may require; provided, that the time for hearing such objections shall not be extended more than two weeks from the expiration of said notice.

EQUALIZATION OF ASSESSMENT.

Equalization of assessment.

SECTION 12. Within one week from the time limited for the hearing of such objections, the board of equalization shall return the said assessment roll, with the minutes of their proceedings, to the common council, and the common council may confirm or refer the same back to the board of equalization for revision. The common council may supply omissions in said roll, and for the purpose of equalizing the same may add to, take from, or otherwise revise and correct the same, provided, that the amount of said roll shall not be increased, except when the value of such real property may have been omitted by the assessor.

BOARD.

Board.

SECTION 13. The board of equalization shall consist of the mayor, assessor and one alderman from each ward, who shall be known as chairman of the ward.

TAXES TO BE A LIEN.

Taxes to be a lien.

SECTION 14. All taxes and assessments, general and special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be levied or assessed, and upon all personal property of any person or body politic, corporation or association assessed for personal taxes, from the time of the confirmation of the assessment roll or rolls by the common council until such tax shall be paid, and no sale or transfer of such real or personal estate shall affect such lien. Any personal property belonging to the persons taxed may be taken and sold for the payment of any taxes levied under this act.

ROLL TO BE FILED.

Roll to be filed.

SECTION 15. When the assessment roll shall have been revised and corrected, the same shall be filed with the city clerk, and an order confirming the same shall be entered in the proceedings of the common council.

SUPERVISORS MAY EQUALIZE.

Equalization.

SECTION 16. The board of supervisors shall have the right of equalizing the assessment roll of the city and towns in said county, as provided by law, but in the equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

TAX LEVY.

SECTION 17. Immediately after the board of supervisors shall certify to the city clerk the amount of taxes levied by them the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied. Tax levy.

ROLL TO BE COPIED.

SECTION 18. As soon as said tax shall be levied the common council shall cause the assessment roll to be copied in a book provided for that purpose, setting opposite to each tract of land and to each person named under proper columns such sum or sums as may be levied upon such lot or lots or against such person. The different percentages for the several funds (except the ward funds and benefits and damages by special assessments) may be carried out on said roll in one separate column. The said copy shall be designated the tax roll, and to it shall be appended a warrant signed by the mayor and city clerk, directed to the city treasurer, requiring and commanding him to collect the taxes and assessments on said roll. Roll to be copied.

TREASURER TO GIVE NOTICE.

SECTION 19. Upon the receipt of any tax roll by the treasurer, it shall be his duty to give public notice in a newspaper published in said city that such tax roll (describing for what purpose said tax or taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of ten days next ensuing said notice; and all persons paying taxes during said time shall be entitled to a discount of two per centum upon the amount paid. If the taxes are not paid within the said time, he may then proceed to collect the same by distress and sale of goods and chattles of the persons charged, giving at least six days' notice of the time and place of sale by posting up not less than three notices in as many public places in said city, or by returning a delinquent list to the county treasurer as herein provided, and in every other manner shall, to enforce the collection of taxes in the manner specified by the laws of this state for the collection of taxes; and if such taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the treasurer and his Treasurer to give notice.

sureties; provided, that the common council shall have authority at any time before the expiration of said warrant to extend the warrant for the collection of taxes, not exceeding forty-five days from the date of such extension.

DELINQUENT TAXES.

Delinquent taxes.

SECTION 20. In case no goods or chattels shall be found out of which to collect the taxes on any lot or lots, or other pieces of land or property, it shall be his duty to make out a list of all the property and taxes remaining unpaid at the time required by the laws of this state, next succeeding the date of his tax roll and warrant, and the list so made with his affidavit thereto attached, stating that the taxes therein contained had not been collected, and that he had been unable to find goods and chattels out of which to collect the taxes, shall be called the delinquent list, to the treasurer of the county of Oconto, at such time as is required by law; and he shall at the same time pay over to the said county treasurer all moneys collected by him belonging to the county of Oconto, and all taxes belonging to the state of Wisconsin, in the same manner as required by law of town treasurers.

CITY TREASURER TO PAY COUNTY TREASURER.

City treasurer to pay treasurer.

SECTION 21. The city treasurer shall pay to the county treasurer, in legal money, the state tax, county and county school tax, and all other taxes belonging to the county, within the special time prescribed by the statutes of this state, as required of town treasurers.

TREASURER'S FEES.

Treasurer's fees.

SECTION 22. The treasurer shall be entitled to receive, and collect as fees for the collection of taxes, one and one-half per cent. upon all taxes collected by him within the ten days allowed for discount on taxes, and three per cent. for all collected by him after that time; also, he shall receive three per cent. on all fines and licenses received by him. The fees for collection of taxes shall be added to the tax collected of and from each and every tax payer. On all taxes returned delinquent, the treasurer shall include five per cent. collection fees, and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution. The city treasurer shall collect the fees hereinbefore prescribed, and shall keep, in a book to be provided for that purpose, a true account and statement of all

fees by him received, as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees and other moneys received and paid out by him as treasurer; and he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him all the necessary books, blanks and stationery requisite to the discharge of his duties.

COUNTY TREASURER — HIS DUTIES.

Duties of county treasurer.

SECTION 23. It shall be the duty of the county treasurer of the county of Oconto, and he is hereby required, when lots, tracts, pieces or parcels of land have been returned by said city treasurer as delinquent for any general tax of the state, or for any tax or assessment authorized under the provisions of this act, immediately after the sale of said delinquent lots, tracts, pieces or parcels of land by him, to pay said city treasurer the amount which may have been returned delinquent belonging to said city, either in cash or in certificates of sale of said lots, tracts, pieces or parcels of land so returned as delinquent.

PROVISIONS ONLY DIRECTORY.

Provisions only directory.

SECTION 24. All the directions hereby given for the assessment of lands and the levying and collecting of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any way affect the validity of the tax so assessed.

WHEN CHARGES CARRIED OUT — HOW PROCEED.

When charges carried out.

SECTION 25. In all cases when by the provisions of this act any charge or assessment shall be carried out on the tax roll in a separate column or columns opposite the lot or tract upon which the same may be a lien, the treasurer shall collect or do all other acts in regard thereto in the same manner as in the collection of other taxes.

WHEN TAX IS VOID — HOW PROCEED.

When tax is void—how proceed.

SECTION 26. In case any local tax or assessment in any local improvement shall be void or have failed for want of jurisdiction, or for any irregularity in the levying or assessing thereof, the common council shall have power and it shall be their duty to cause the

same to be reassessed in a proper manner; if any person shall have paid on the former assessment the same shall be credited, or in case the payment exceed the amount reassessed, the surplus shall be refunded; in case any amount assessed for local improvement at any time shall be insufficient to defray the expense of such improvement, the common council shall cause to be assessed the amount which the actual expense thereof exceeds the amount first assessed, to be assessed in like manner as other assessments of a like nature.

CHAPTER VII.

OPENING OF STREETS, ALLEYS, ETC.

Opening of streets, alleys.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners may reside for public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to such petitioners, to be set forth in said petition, the common council shall thereupon cause notice of such application to be given to the owners and all persons interested in the premises proposed to be taken, if residents of this state; such notice shall be served and proof of such service shall be made in the same manner as in the case of a summons in a circuit court. If the notice cannot be so served as to all the parties, then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper or papers four weeks successively, at least once in each week.

NOTICE.

Notice.

SECTION 2. Such notice shall state that upon a day therein to be named, not less than ten days from the service of such notice, or the expiration of such publication, as the case may be, application will be made to the county judge or a court commissioner for the county of Oconto for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary to take the same for the purposes specified in said petition, and in such case to assess the just compensation therefor.

JURORS TO BE APPOINTED.

SECTION 3. Upon the presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or court commissioner shall thereupon appoint twelve reputable freeholders, residents of said city, but not residents of the ward in which said premises may be, nor interested in the result of such application. The said judge or court commissioner shall thereupon issue his precept, directed to said jurors, requiring them, within ten days, to view the premises to be specified in said precept, and to make returns, under their hands, to the common council, whether, in their judgment, it is necessary to take said premises for the purposes specified in such application, and the said jurors, before entering upon the discharge of their duties, shall take and subscribe an oath, faithfully and impartially to discharge their duties as such jurors in the premises, which oath may be administered by any person authorized to administer oaths, which shall be filed in the office of the city clerk. Jurors to be appointed.

MARSHAL SHALL SERVE PROCESS.

SECTION 4. The city marshal shall serve his precept immediately on the jurors therein named by reading the same to every one of them that can be found, and immediately after such service he shall return the said precept to the judge or court commissioner who issued the same, together with his doings thereon. Marshal shall serve process.

IF JURORS DISQUALIFIED — HOW ACT.

SECTION 5. If any of the jurors so appointed cannot be found, or shall be disqualified from acting, or shall refuse to act, the judge or court commissioner shall appoint others in their places, and a memorandum of such substitution shall be indorsed on the precept. Disqualified jurors.

OATHS — WHO SHALL ADMINISTER.

SECTION 6. The said judge or court commissioner, or any justice of the peace, shall thereupon administer an oath to said jurors, that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them. Oaths.

JURORS — HOW PROCEED.

SECTION 7. The said jurors shall, at such time as they shall agree upon, proceed in a body to view the Jurors.

premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors, and either of the jurors shall be authorized to administer the necessary oaths to witnesses. After viewing the premises in question and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use; which said report, testimony and precept shall be returned to the common council within the time limited in said precept. Should the jurors report that it is necessary to take said premises, the common council shall enter an order among their proceedings confirming said report, and directing the same jurors, within twenty days thereafter or such future time as shall be necessary, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of said property proposed to be taken; and to assess and return within the time limited, such damages to the common council; and after the jurors shall have made their report as to the taking of any lands or premises under this act, and the same shall have been confirmed, the common council shall have power to appoint new jurors in the place of any who shall neglect or refuse to serve in ascertaining the amount of compensation as above; and all the jurors, before entering upon the discharge of their duties in the premises, shall severally take an oath before some competent officer, that they are freeholders of said city, and are not interested in the premises to be taken, and that they will faithfully and impartially discharge the trust reposed in them.

IF BUILDINGS ON LANDS — HOW PROCEED.

Buildings on lands.

SECTION 8. If there should be any building [standing] in whole or in part upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

NOTICE — SHALL SPECIFY, ETC.

Notice shall specify.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at

his usual place of abode if not known or a non-resident. Notice to all parties interested shall be given by publication in the official paper or papers of said city three successive weeks. Such notice shall specify the building and the award of the jurors. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council either to accept the award of the jurors, and allow such building to be taken, with the land appropriated, or of their intention to remove such building. He shall have such time for this purpose as the common council may allow.

COUNCIL — MAY SELL.

Council may sell.

SECTION 10. If the owner shall refuse to take the building at the value to remove, or fail to give notice of his election aforesaid within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited to his use.

JUDGES SHALL ESTIMATE DAMAGES.

Jurors shall estimate damages.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken, and all such other premises as will, in their judgment be injured or benefited thereby. After hearing such testimony as may be offered by any party interested, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment, and to determine and appraise to the owner or owners the actual value in money of the real estate so proposed to be taken, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners respectively as damages. In the estimate of the damages to the land, the jurors shall include the value of the building or buildings (if the property of the owners of such land), as estimated by them as aforesaid, less the proceeds of the sale thereof; in such case they shall only include the difference between such value and the whole estimated value of such building or buildings, according to section eight of this chapter. After the damages arising from such taking shall have been so determined, the jury shall view such premises as in their opinion will be especially benefited by the appropriation of such lands to the use for which they may be taken, and after hearing such testimony as may be offered, shall thereupon apportion and assess the damages so

found by them upon the lands and premises by them deemed specially benefited, in proportion to the benefits received, and make a verdict specifying the lots or lands benefited, and the amounts of such benefits accruing to each such tract or parcel of land, and a majority of such jury may render such verdict, and shall sign the same. The council may thereafter levy such assessments upon the respective tracts, as a special tax, and the same shall be collected as other special taxes and assessments under this act.

WHEN LANDS ARE SUBJECT TO LEASE, ETC.

When lands are subject to lease.

SECTION 12. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively shall be awarded to them by the jurors.

JURORS — SHALL SIGN, ETC.

Jurors shall sign.

SECTION 13. The award of said jurors shall be signed by them and returned, together with the testimony taken and the precept, to the common council, within the time limited in such precept.

PARTIES — MAY APPEAL.

Parties may appeal.

SECTION 14. Any person whose property is taken, or against whom assessment is made, may within ten days from the return of the jurors to the common council appeal from said assessment of damages to the circuit court of Oconto county, by causing a written notice of such appeal to be served on the clerk of said city, and executing a bond in the manner prescribed in section six of chapter five of this act, and such appeal shall be tried by the court and jury as in ordinary cases. The common council shall also have the right to appeal by filing with the clerk a notice thereof within ten days as aforesaid.

PROPERTY — NOT TAKEN UNTIL DAMAGES TENDERED.

Property.

SECTION 15. The land required to be taken for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or in case the said owner or agent cannot be found or is unknown, deposit it to his or their credit in some safe place of deposit, and then, and not before, such lands may be taken and appropriated for the purposes required, and the same shall thereafter be subject to all the laws and ordinances of the city in

the same manner as streets, alleys and public grounds heretofore opened or laid out.

WHEN PROCEEDINGS VOID, ETC.

SECTION 16. The damages assessed shall be paid or tendered or deposited as herein required within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all proceedings in any such case shall be void. When proceedings void.

COMMON COUNCIL — ITS DUTIES.

SECTION 17. The city may pay or tender or deposit, as herein required, at any time within one year from the confirmation of such assessment and report, the damages assessed in any such case, and whenever said damages have been so paid, tendered or deposited, it shall be the duty of the common council to enter an order among their proceedings to take and appropriate such lands for the purposes required. Common council — its duties.

WHERE WHOLE LOT IS TAKEN.

SECTION 18. When the whole of any lot or tract of land or other premises under lease or other contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged. Taking lots.

WHERE PART OF LOT IS TAKEN.

SECTION 19. When only a part of a lot or tract of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for in respect to the same shall be so proportioned that the part thereof justly and equitably payable for such residue thereof and no more, shall be paid or recoverable for in respect to the same. Where part of lot is taken.

WHERE OWNER LABORS UNDER DISABILITY.

SECTION 20. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant or labor under legal disability, the judge of the circuit court of Oconto county, or, in his absence, the judge of the court of record in said county may, upon the application of the common Disability of owner.

council or such party or his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian.

COUNCIL — SHALL CAUSE SURVEY.

Survey.

SECTION 21. Whenever any public ground, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk, and shall also cause the same to be recorded in the office of the register of deeds of Oconto county.

CHAPTER VIII.

CITY IMPROVEMENTS.

City improvements.

SECTION 1. The aldermen of the several wards shall be the street commissioners in and for their respective wards, two of whom shall be a quorum, whose meetings shall be held at the office of the city clerk. The city clerk shall be clerk of the board of commissioners, and shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make a report in detail to the common council of their acts and doings when required, and at the expiration of each year, and before their terms of office shall expire, shall submit all their acts and doings, books, records, papers, accounts, receipts and vouchers to the common council for final settlement and adjustment.

SECTION 2. Any person deeming himself aggrieved by any act or order of the board of street commissioners, may within ten days thereafter, by filing a written notice with the clerk of said city, appeal to the common council, who shall inquire into, examine and correct the act or order complained of as shall seem just and proper, and the further action of the board in this respect shall be regulated accordingly; and if such person shall deem himself aggrieved by the determination of the common council upon such appeal, such person may appeal, within ten days thereafter, to the circuit court of Oconto county by complying with the provisions of section six of chapter five of this act.

May make contracts.

SECTION 3. The said street commissioners shall have power to order and contract for the making, grading, repairing and cleaning of streets, alleys, public grounds and gutters within their respective wards, and to direct and control the persons employed therein. Whenever

the street commissioners shall deem it necessary to construct or repair any sidewalk within their ward, they shall direct the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper cost and charge; if such work is not done in the manner and in the time prescribed, the commissioners shall cause the same to be done at the expense of the lot adjoining such sidewalk. The street commissioners shall not have power, except as hereinafter provided, to make and grade in the several wards of the city, any streets, alleys, public grounds, gutters, or to construct any sidewalks in their respective wards, unless the same has first been duly authorized by ordinance of the common council of said city; provided, that nothing herein shall be construed so as to prohibit such street commissioners from making or causing to be made all necessary repairs to any sidewalk, street, alley, public grounds or gutters. No special improvement shall be ordered by the common council exceeding in estimated cost the sum of two hundred dollars, unless more than one-half of the owners of the land to be taxed for such improvement shall petition in writing for the same, or unless the same shall be ordered by a vote of two-thirds of all the aldermen elect; if, however, the common council order any special improvement to be done, the vote therefor of the aldermen shall be taken by ayes and noes, and entered upon the journal of the proceedings of said council, and no special improvement shall be valid or binding unless said vote be so taken and entered upon the journal.

SECTION 4. Opening, grading, working, graveling, planking or paving streets and alleys to the center thereof, shall be chargeable and payable by the lots fronting on such street or alley; but no street or alley shall be graded, graveled, planked or paved, except upon the petition of one-third of the resident property holders interested therein and by a two thirds vote of the aldermen elect Sewers and reservoirs may be ordered to be built and repaired by the common council and the expense thereof paid by the city out of the general fund.

SECTION 5. Whenever the commissioners shall determine to make any public improvement, as authorized by sections 3 and 4 of this chapter, they shall cause to be made an estimate of the whole expenses thereof, and of the proportion to be assessed and charged to each lot, which estimate may be altered, amended or

Estimate to be made.

modified by the commissioners, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot, and such estimate shall be filed with the city clerk for the inspection of parties interested; the street commissioners shall give notice by advertisement for ten days in the official paper or papers published in the city of Oconto, to the owners or occupants of the lots or parcels of lands fronting on any street, alley or sidewalk ordered to be graded, gravéled, planked or paved, requiring them to do the work mentioned in such notice within reasonable time, therein to be specified; and if said work shall not be done within such time, the said commissioners shall enter into contract for the doing thereof.

Shall give notice.

SECTION 6. The street commissioners shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant water remaining therein, or other cause, if residents, personally; if non-residents, in the official paper or papers published in the city of Oconto, for ten days, to abate such nuisance by draining or filling such lots within a reasonable time, therein to be specified; and if such nuisance shall not be abated or removed within the time so specified, the street commissioners shall cause the same to be abated or removed at the expense of the property upon which the same may exist.

Shall give certificate.

SECTION 7. After the completion and performance of any contract entered into by the street commissioners, for work chargeable to lots or lands by virtue of this act, they shall give to the contractor or contractors a certificate under their hands, stating therein the amount of work done by such contractor, the nature thereof and the description of the lot or parcel of land upon which the same is chargeable; the contractor shall file said certificate with the city clerk, who shall lay the same before the common council at their next meeting thereafter, and the common council shall order the same to be paid out of the contingent fund of the city, and order the same to be assessed upon the city lots or parcels of land respectively as a special tax, to be collected therefrom for the use of said city as other taxes on real estate are collected by virtue of the laws of this state, and of this act; and if notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment.

SECTION 8. Whenever a sidewalk or gutter shall be out of repair, which, in the opinion of the street commissioners of the ward in which said sidewalk or gutter is situated, will not cost exceeding five dollars in front of any one lot or parcel of land to put in repair, they shall forthwith notify in writing the owner or occupant of the premises adjacent, and to which said sidewalk or gutter belongs, to repair the same within twenty-four hours, after service of said notice; and if said repairs are not made within twenty-four hours, the street commissioner shall forthwith cause such repairs to be made, make a statement of the expense thereof, and file the same with the city clerk; the common council shall at its next meeting thereafter order said amount to be paid, and assess the same against the lot chargeable therewith to be collected for the use of the city as other special taxes are collected. Shall notify owner of lot when sidewalk or gutter is out of repair.

SECTION 9. In all cases where improvements or work of any kind are charged by virtue of this act upon lots, all such improvements across streets, alleys and public grounds shall be made by the city and paid for out of the general fund. When improvements to be made by city.

CHAPTER IX.

POLL TAX.

SECTION 1. Every male inhabitant of the city of Oconto over twenty-one years of age and under fifty years, except active members or the fire department in the city and those otherwise exempt by the general laws of this state, shall pay into the city treasury annually the sum of one dollar and fifty cents each as a poll tax. It shall be the duty of the assessor of the city of Oconto, during the month of May in each year, to make out duplicate lists of all persons liable to pay said tax, and the said assessor shall, on the first Monday of June, each year, deliver one of said lists to the city clerk, and one to the superintendent of streets of the city of Oconto. The said assessor, in making such lists, shall designate the ward in which each person on said list resides; and the superintendent of streets shall thereupon immediately proceed to collect the same; and all persons liable to pay such tax, who shall not have paid the same after demand, either personally or by written notice left at their usual place of abode, on or before the fifteenth day of August in said year, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said superintendent of streets, in the Poll tax.

name of the city of Oconto. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The superintendent of streets of said city shall proceed to collect the same in the same manner as hereinbefore in this section provided, and in case said taxes are not paid to said superintendent, he shall prosecute for them in the manner hereinbefore provided. The said superintendent of streets shall account for the tax of each ward of the city, with the amount thus collected from the inhabitants of such ward; and all moneys collected by said superintendent as above specified shall be paid over to the city treasurer on or before the first day of September, each year. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction of the senior alderman of each ward, and at his request, under the supervision of the superintendent of streets, in the repair and improvements across streets, alleys and public grounds belonging to said city, in their several wards, for which said city is liable under section 9 of chapter 8 of this act, and to be drawn out on itemized accounts certified to by the senior alderman of the ward in which said work is done and audited by the common council. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said list shall be delivered to the superintendent of streets for collection; provided, that if any person shall desire to, he shall be permitted to perform ten hours' work upon the streets of the city in the ward in which he resides, under the direction of said superintendent of streets, and at such time as he shall direct within the months of June and July, in each year, and the certificate of the superintendent of streets that such person has performed one full day's labor upon a street or highway within the ward in which said person resides, shall be received by the city treasurer in full discharge of such poll tax. And it is further provided that said superintendent shall have power to add on said list the names of all such persons by him known to be liable to pay said tax that may have been omitted by said assessor.

SECTION 2. The superintendent of streets shall before entering on the duties of his office, execute to the city a bond in the penal sum of two thousand dollars with two or more sufficient sureties, to be approved by the common council conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets; he shall expend the money realized from the poll tax in each ward at such places in each ward as shall be designated by the senior alderman thereof; he shall, on or before the first day of September in each year, report to the common council, in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how, when and where expended; and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the common council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than two dollars for each day actually and necessarily occupied by him in the discharge of his duties. The marshal of said city of Oconto shall be street superintendent in any year when the common council shall so determine, and shall receive for his services as such superintendent such sum per day as the council shall determine, not exceeding two dollars per day. Shall execute bond.

CHAPTER X.

PUBLIC SCHOOLS.

SECTION 1. The mayor and common council of the city of Oconto shall elect as school commissioners, one person from each ward of said city, who shall hold office for four years, unless removed for misconduct or other sufficient cause, by a vote of two-thirds of all the members of the common council. The said mayor and council shall, at their regular meeting in May, 1882, elect one such school commissioner, and annually thereafter at their regular meeting in May, elect one school commissioner. The present school commissioners shall hold their office for the term for which they were elected. The terms of office of said commissioners shall commence on the first Monday in June in each year. Public schools.

Board of education.

SECTION 2. The school commissioners elected under the provisions of section 1, of this chapter, shall form the board of education of the city of Oconto, and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners, by resignation or otherwise.

Shall elect city superintendent.

SECTION 3. The school commissioners shall annually, as hereinafter provided, elect a city superintendent of schools, whose term of office shall commence on the first Monday of January, and said superintendent shall continue in office one year, and until his successor shall be elected, unless sooner removed by a vote of two-thirds of all the members of the common council for misconduct or other sufficient cause.

Officers of board of education.

SECTION 4. The board of education shall, on the first Monday of June in each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' wages; he shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriations of money, or the adoption of new text books, the vote shall be taken by ayes and noes, and on any other question the ayes and noes shall be called whenever any member shall request it. In the absence of the president, the board shall elect a president pro tempore.

Number of meetings.

SECTION 5. The board of education shall have four regular meetings in each year, on the first Mondays of March, June, September and December, at such place as shall be designated by the common council. The board may hold and the secretary of the board shall call a special meeting of the board whenever requested by a majority of the board, and the secretary shall serve notice of said meeting on each member of the board.

Salary of superintendent.

SECTION 6. The city superintendent of schools shall receive an annual salary of not less than one hundred dollars, to be paid quarterly out of the contingent fund of the city, the amount of which shall be determined from year to year by the common council at its regular meeting in May.

SECTION 7. The duties of the board of education shall be as follows: **Duties of board of education.**

1st. To elect at their regular meeting in June a city superintendent of schools, but if such election shall not then be had, the said superintendent shall be elected by the common council at some regular meeting thereafter.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each and the amount of salary to be paid to each, and to hire and make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the said board of education, or by some member thereof, designated for that purpose by resolution of said board; such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other copy delivered to such teacher. **Number of teachers.**

3d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and secure uniformity in text books; when any such text books shall have been adopted, they shall not be changed for the term of three years, nor thereafter without the consent of the state superintendent. **Vacations.**

4th. To establish rules and regulations for the schools not in conflict with the constitution or laws of this state; but the mayor and council may in their discretion do away with, annul or abrogate any such rule or regulation by a two thirds vote of the whole number of aldermen of the city. **Rules and regulations.**

5th. To make contracts for all necessary repairs on school houses not exceeding in value fifty dollars for any one school house, for all stationery required for the use of schools, and for all incidentals required for carrying on the schools, such as lighting fires, sweeping school rooms, et cetera; and such contracts, when executed, shall be paid by the common council out of the city contingent fund on certificates of said board or other proofs satisfactory to the council that the contracts have been complied with. **Make necessary contracts.**

6th. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year; and the amounts of all other indebtedness accruing on contract or otherwise that has been **Shall submit statement annually.**

made by order of the board; and for that purpose they shall cause entries to be made in a book or books, to be provided by the city, of all contracts made with teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized; which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board; and they shall, at the same time, submit for the consideration of the council a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages, and other items separately and specifically; and it shall be the duty of the common council on assessing taxes for the ensuing year, to asses the amount required for teachers' wages by itself, and the amount so raised, when paid into the city treasury, shall be paid out only for teachers' wages and for no other purpose; the other amounts required for the incidental expenses and fuel may be included among the amounts raised for contingent expenses of the city.

Nothing in this section contained shall prevent the common council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year, and appropriating those two sums toward the payment of teachers' wages, and raising a tax simply for the balance required to make up the estimated amount, if they shall see fit so to do.

Repair of school house. SECTION 8 Whenever repairs to a larger amount than fifty dollars shall, in the opinion of the board, be required for any one school house, and whenever another school house or school houses or furniture for any school house shall be required, they shall report the facts to the common council, who shall forthwith cause said repairs to be made, such school house or school houses to be erected, and a site or sites for the same, and such furniture purchased, and take measures to raise a tax to defray the costs of such repairs or of the erection of such buildings, and a purchase of such sites, or furniture, if said council deem it advisable.

Draw orders. SECTION 9. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the fund for teachers' wages, for the amount of salary due them respectively, when, according to the contracts made with

them, the same shall become due; and the payments of all other demands created by the action of said board of education, shall be made in the same manner as other claims against said city are paid.

No collusion.

SECTION 10. No member of the board of education shall have any interest, direct or indirect, in any contract so made by said board; and every contract so made in which any member of said board shall have such interest shall be absolutely void.

Duties of city superintendent

SECTION 11. The duties of the city superintendent shall be as follows:

1st. To examine all applications for teachers' licenses in the branches taught in the public schools in said city; and if approved, give them certificates authorizing them to teach in the city.

May annul certificate.

2d. To annul a teacher's certificate whenever he may think proper; provided that such teacher shall have the right to appeal to the board of education of said city.

Visit school departments.

3d. To visit each school department in said city at least four times during each term.

Report on text books.

4th. To report for the consideration of the board of education such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein from time to time as he may think most beneficial for the schools in said city.

Report on condition of schools.

5th. To report to the board of education at each regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at such schools since the previous regular meeting, and to make such recommendations as shall in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

Ascertain number of children.

6th. He shall between the first and tenth days of September, in each year, ascertain and make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the city, on the last day of August previous to the day of such statement, and report the same to the city clerk; and shall on or before the tenth day of October, in each year, make and transmit to the state superintendent a report containing the facts set forth in section 463 of the revised statutes and file a copy of said report with the board of education.

Shall attend meetings.

7th. He shall attend all meetings of the board of education and act as secretary thereof, and make any

suggestions he may think advisable relative to the government of the schools in said city.

CHAPTER XI.

DISQUALIFICATIONS, IMPEACHMENTS, ETC.

Disqualifications, etc.

SECTION 1. No member of the common council of said city shall be elected or appointed as a school commissioner or member of the board of education of said city, and no school commissioner shall be eligible to or hold the office of alderman in said city.

Voting on questions.

SECTION 2. No member of the common council shall vote upon any question, matter or resolution in which he shall be directly interested.

Persons interested cannot make contract.

SECTION 3. No person interested directly or indirectly, as principal or surety in any contract or agreement, written or verbal, to which said city shall be a party in interest, or to which any officer under this act shall officially be a party, for the construction of any sewer, pavement or building, or the performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the said city by any officer under this act, shall be eligible to any office or appointment in said city that will in any manner give him official cognizance or authority over the subject matter of such interest; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and such office shall be declared vacant.

In any job or contract.

SECTION 4. No member of the common council shall be a party to or interested in any job or contract with the city; and any contract with the city in which any such member may be so interested, either directly or indirectly, shall be null and void; and in case any money shall have been paid on such contract, the common council may sue for and recover the amount so paid from the parties to such contract and from members of the common council interested in the same.

Guilty of felony.

SECTION 5 If any member of the common council or other officer of the corporation, after his election or appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, whether written or verbal, to which the corporation shall be a party in interest, or to which any officer under this act officially be a party, or in any question, subject or proceeding pending before the common council, or on which such officer may be called upon to act officially, with intent to gain, directly or indirectly, any benefit, profit or pe-

cuniary advantage, he shall be removed from his office, and the same shall be declared vacant by the common council and he shall be deemed guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for not more than one year, or by fine of not exceeding one thousand dollars ($1,000) or by both such fine and imprisonment in the discretion of the court.

Power to dismiss from office.

SECTION 7. A majority of all members elect of the common council shall have power to dismiss from office for malfeasance in office or any other due cause in said city, any person elected or appointed to office in said city, and the common council shall provide by ordinance the manner of hearing and disposing of complaints against such officers.

Official misconduct.

SECTION 8. Whenever any charge of official misconduct shall be preferred against any member of the common council of the city of Oconto, or any officer of said city, the common council shall appoint a committee to investigate such charges; and it shall be the duty of the committee, as soon as practicable after their appointment, to investigate the matter of any charges which may have been so preferred, and to report the results of their investigation to the said common council; and in case such committee shall deem it necessary or proper for the purpose of their investigation, they may examine witnesses, on oath, in relation to any such charges. And the several members of such committee are hereby authorized and empowered to administer oaths to witnesses to be examined for the purpose of such examination.

Subpœnas may be issued.

SECTION 9. Subpœnas may be issued for the purpose of procuring the attendance of witnesses before any committee appointed pursuant to the preceding section. Each subpœna shall state when and where and before whom the witness is required to appear and testify, and may require such attendance forthwith or on a future day named, and the production of books, records, documents and papers therein to be designated, without payment of fees in advance or a tender thereof. All such subpœnas shall be signed by the city clerk of said city and shall be issued under the seal of said city, and may be served in the same manner and shall have the same force and effect as subpœnas issued out of the circuit court. Any wilful or corrupt false swearing by any witness or person giving testimony before such committee or any member thereof, or making deposition to any material fact relating

to the matter under investigation before such committee, shall be deemed guilty of perjury, and shall be punished as such, in the manner provided by law. The provisions of law in respect to the attachment of witnesses subpœnaed before justices of the peace, and compelling the attendance of such witnesses to appear and testify before them, are hereby applied to the case of witnesses subpœnaed before such committee, and such committees may exercise the powers of arrest, fine and imprisonment for the conviction in circuit or justices' courts in such cases. Writs of attachment and commitment for contempt shall be signed by the chairman of such committee.

CHAPTER XII.

FIRE DEPARTMENT.

Fire department.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other material that shall not be considered fire-proof shall not be erected, placed or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

COUNCIL — ITS POWERS.

Powers of council.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to regulate and prevent the use of fire works and fire-arms; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs and ladders leading to the same; to authorize the

mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of the fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

COUNCIL MAY PURCHASE FIRE ENGINES.

Fire engines.

SECTION 3. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed thirty able bodied men, between the ages of eighteen and fifty years, but no company shall have less than fifteen active, able bodied members, and they may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax, and from serving on juries, and from military duty, in the city of Oconto except in case of war, insurrection or invasion, during the continuance of such membership, and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military duty, except as in cases before mentioned.

ANNUAL MEETING.

Annual meeting.

SECTION 4. There shall be a meeting of the members of said companies on the third Monday of April in each year at such place as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment, one chief engineer, and one assistant engineer, and one treasurer; and the common council shall thereupon confirm or reject said nominations, and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the said members shall,

at a meeting held one week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council.

FIRE WARDENS — DUTIES.

Duties of fire wardens.

SECTION 5. The mayor shall appoint two fire wardens for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store or barn, or enclosure for the purpose of inspecting the same.

OFFICERS MAY ARREST, ETC.

Officers may arrest.

SECTION 7. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

SACK COMPANIES — MAY ORGANIZE.

Sack companies.

SECTION 8. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company, either collectively or individually, are hereby authorized and empowered to act as special police in and for the city of Oconto, and are hereby vested with all the power and authority which is now or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may from time to time adopt such by-laws as

they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as shall be necessary for the peace and good order of the same.

TREASURER — TO GIVE BOND.

Treasurer to give bond.

SECTION 9. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as shall be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

OFFICERS.

Officers.

SECTION 10. There shall be elected by the members of such company, annually, at their annual meeting, a clerk or secretary, who shall, on or before the first Monday in May of each year, return to the city clerk a list containing the name of each member of their respective companies, and when any member of either of said companies shall cease to be a member thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

CLERK — TO KEEP RECORD.

Clerk to keep record.

SECTION 11. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such records shall consist of the returns made by the several clerks or secretaries as above provided; and no person shall be exempt from jury duty unless the name is entered on such list. In case any person shall for cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of Oconto, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meetings of said board; and the said board shall not place the name of any such person on the jury list for the ensuing year.

CHIEF ENGINEER — HIS POWERS AND DUTIES.

Duties of chief engineers.

SECTION 12. The chief engineer shall have control of the fire department of the city of Oconto, and to prescribe the duties of the officers and members thereof, and when authorized by the common council he shall order all the necessary apparatus for the extinguishment of fires. He shall have charge of the fire engines, and see that they are always in working order; in the absence of the chief engineer, the assistant chief shall have full power and control. The chief engineer shall, on the first day of December in each year, make report in detail and under oath to the common council of all property belonging to the city in possession of the fire department and of its condition and value. The chief engineer shall from time to time make such recommendations in writing to the common council, designated [designed] to promote the efficiency of the fire department, as he shall deem expedient. He shall also keep in a book, to be provided for that purpose, a record of all alarms of fire, the cause thereof, the extent of loss and the amount of insurance, and shall incorporate the same in detail in his annual report.

CHAPTER XIII.

ACTIONS TO RECOVER PENALTIES, ETC.

Action to recover penalties.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

SUMMONS.

Summons.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act, or any by-law, ordinance or regulation, the first process shall be a summons unless oath be made for a warrant as in criminal cases before justices of the peace, under the general statutes of the state for the time being.

SUMMONS — FORM OF.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

"County of Oconto, } ss. Form.
City of Oconto. }

The state of Wisconsin to the sheriff or any constable of sa d county, or to the marshal of the city of Oconto:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned, one of the justices of the peace in and for said city, at my office in said city on the ——— day of ———, 18—, at ——— o'clock in the ——— noon, to answer to the city of Oconto in a plea of debt to the damage of said city, one hundred dollars or under.

Given under my hand at said city this ——— day of ——, 18—.

C. D. Justice of the Peace.

SUMMONS — RETURN OF.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all the proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace. Form.

COMPLAINT — FORM OF ON SUMMONS.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form: Form.

"The City of Oconto } In Justice's Court. Before C.
against } D., Justice.
A. B. }

"The plaintiff complains against the defendant, for that the defendant, on the —— day of ——, 18—, at the said city, did violate (section ——, of chapter ——, of this act, or section ——, of an ordinance, or by-law, or regulation of said city, describing it by its title), which said —— is now in force. By reason of such violation an action hath accrued to the city of Oconto, to recover of the defendant, the sum of —— dollars debt; wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action."

COMPLAINT — FORM OF ON WARRANT.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath of the Form.

complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially as follows:

"The City of Oconto, against A. B. } In Justice's Court. Before C. D., Justice.

"County of Oconto, ss.

"—— ——, being duly sworn, complains on oath to C. D., one of the justices of the peace in and for the city of Oconto, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance, or by-law, or regulation of said city, describing it by its title), which said —— is now in force, as this complainant verily believes; and prays that said A. B. may be arrested and held to answer to said city of Oconto therefore.

Sworn and subscribed this —— day of ——, 18—, before me."

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace he shall issue a warrant substantially in the following terms:

County of Oconto, City of Oconto, } ss.

The state of Wisconsin to the sheriff or any constable of said county, and to the marshal of the city of Oconto, greeting:

"Whereas, —— —— has this day complained to me, in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate (section —— of chapter ——, of this act, or section —— of an ordinance, or by-law, or regulation, of said city, describing it by its title), which said —— is now in full force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith, to answer to the city of Oconto on the complaint aforesaid.

"C. D., Justice of the Peace."

WARRANT — RETURN OF.

Warrant. Upon the return of the warrant, the justice may proceed summarily with the case, unless it be adjourned; the defendant, if required by the court so to do, shall

recognize with security, to be approved by the court, for his, her or their appearance, in such sum as the court shall direct, or, in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Oconto county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all the subject matter embraced in the action.

ORDINANCE — PRINTED COPY OF TO BE EVIDENCE.

Printed copy of ordinance to be evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council shall be prima facie evidence of its due passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

COURT OR JURY — FINDINGS OF.

Findings of court.

SECTION 8. In city prosecutions, the findings of the court or jury shall be either guilty or not guilty. If guilty, the court shall render judgment thereon against the defendent for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendent, and the non-payment thereof, the justice shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form.

EXECUTION — FORM OF.

Form.

County of Oconto, }
City of Oconto, } ss.

The state of Wisconsin to the sheriff or any constable of said county, or to the marshal of the said city, and to the keeper of the common jail of said county, greeting:

Whereas, the city of Oconto, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city,

against —— —— for the sum of —— dollars, together with —— dollars and —— cents, costs of suit, for the violation of (section ——, chapter ——, of this act, or section ——, of an ordinance or by-law or regulation of said city, describing it by its title), you are commanded to levy distress of the goods and chattels of said —— —— executing [excepting] such as the law executes [exempts] and make sale thereof according to law to the amount of said sums, together and [with] your fees and twenty-five cents for this writ, and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of said —— —— and him convey and deliver to the keeper of the common jail in Oconto county, and said keeper is hereby commanded to receive and keep in custody, in said jail, the said —— ——, for the term of —— unless the said judgment, together with all costs and fees, are sooner paid or he is discharged by due course of law.

Given under my hand, this ——— day of ———, 18—. C. D., Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to levy and sale and return of writ.

JUDGMENT — DEFENDANT MAY APPEAL.

Defendant may appeal.

SECTION 9. Any defendant, feeling aggrieved by the judgment of a justice of the peace, in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment to the circuit court for the county of Oconto, in the same manner as appeals may be taken from justices of the peace in towns. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the said city may appeal from any such judgment, as in other cases before justices of the peace.

APPEAL TO BE TRIED BY JURY.

To be tried by jury.

SECTION 10. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court at the next term thereof, after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

COURT SHALL ENTER JUDGMENT IF AFFIRMED.

SECTION 11. If the judgment of the justice shall be affirmed. or if upon trial the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort. Court to enter judgment.

RESIDENT — NOT INCOMPETENT.

SECTION 12. No person shall be an incompetent judge, justice, juror or witness, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. No resident incompetent.

PRESENT ORDINANCES — TO REMAIN IN FORCE.

SECTION 13. All ordinances and regulations now in force in the city of Oconto, and not inconsistent with this act, shall remain in force until altered, modified, or repealed by the common council, after this act shall take effect. Present ordinances to remain in force.

PENDING ACTIONS, — TO BE PROSECUTED.

SECTION 14. All actions, rights and penalties fines and forfeitures in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. Pending actions.

BRIDGES — GENERAL LAWS IN RELATION TO — TO APPLY.

SECTION 15. The general laws for the preservation of bridges, and the punishment by such laws for the wilful and malicious injuries done thereto, are hereby extended to, and shall include all of the bridges erected or owned by said city over the Oconto river, and shall apply to any wilful or malicious damage which may be done to any of them by any person or persons whatever; and the common council of said city may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water craft, or by the master, or any person in command thereof, such vessel or water craft may be proceeded against by the said city, under the law to provide for the collection of demands against boats and vessels, which does now or may hereafter exist. Relating to bridges.

PROCESS — HOW SERVED AGAINST CITY.

Process served against city.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city; and it shall be the duty of said mayor or clerk so served forthwith to inform the common council thereof, or to take such demands or proceedings as by ordinance or resolution of said council may be in such cases provided.

FIRE APPARATUS — EXEMPT FROM EXECUTION.

Exemption.

SECTION 17. All fire engines, hose, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fires, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders, and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

PRIVATE PROPERTY — NOT SUBJECT TO LEVY, ETC.

Private property.

SECTION 18. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

MAY SENTENCE TO COUNTY JAIL.

County jail.

SECTION 19. In all cases when a defendant shall be convicted of any violation of any ordinances or police regulations of said city, the court before whom the same is tried shall have power to sentence the defendant to a term of imprisonment in the common jail of Oconto county for any period not exceeding six months.

CHAPTER XIV.

GENERAL PROVISIONS — ALL WORK TO BE LET TO LOWEST BIDDER.

General provisions.

SECTION 1. All work for the city or either ward thereof, including all printing and publishing, shall be let by contract to the lowest reasonable responsible bidder, and due notice shall be given of the time and place of letting such contract, provided, that the council by a vote of two-thirds of all the members thereof may otherwise provide for work.

NO APPROPRIATION TO BE MADE, ETC.

SECTION 2. No money shall be appropriated for any purpose whatever except such as is expressly authorized by this act. No appropriation to be made.

PENALTIES — HOW REMITTED.

SECTION 3. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two-thirds vote of the aldermen elect. Penalties.

MAY CAUSE SURVEY OF STREETS.

SECTION 4. The common council may at any time cause a new and accurate survey to be made of the line and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk, and recorded in the office of the register of deed of the county of Oconto. May cause survey of streets.

SURVEY TO BE EVIDENCE.

SECTION 5. The survey and landmarks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversey, in all courts in this state. Survey to be evidence.

COUNCIL MAY ESTABLISH GRADES.

SECTION 6. The common council may, at such time as it may deem proper, establish the grades of all streets, alleys and sidewalks in said city, or any or either of them; and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of the county of Oconto, and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land, or tenement, which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street commissioners of the several wards of the said city from ordering, or causing to be done, the grading of any street within their ward to a temporary grade, to be established by such commissioners. Establish grade.

CITY MAY HOLD REAL ESTATE.

City may hold real estate.

SECTION 7. The said city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same, while owned, occupied or held by said city, shall be exempt from taxation.

SPECIAL TAX.

Special tax.

SECTION 8. Real estate exempt from taxation by the laws of this state shall be subject to special taxation for street and sidewalk improvements, as other real estate under this act.

CITY TO BE PARTY TO DEEDS.

City party to deeds.

SECTION 9. When the city of Oconto deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Oconto and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

MAYOR MAY EXECUTE DEED.

Mayor may execute deed.

SECTION 10. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, execute a deed or lease of such real estate or interest therein, belonging to the said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged, as is provided by law for the execution of deeds and conveyances.

DEED — TO BE RECORDED.

Deed to be recorded.

SECTION 11. When any such deed or lease is so executed, the city clerk shall attach to such a deed or lease a true copy, by him duly certified of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease, and such copy so attached, and the record thereof, shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease.

FAILURE TO HOLD ELECTION, ETC.

Failure to hold election, etc.

SECTION 12. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council should fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending, or

dissolving said corporation, but such election or organization may be had at any subsequent day by order of the common council; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, are not then done or performed, the common council may appoint another time at which said act may be done and performed, provided this shall not be construed to legalize any invalid or insufficient service of any notice or process.

APPROPRIATIONS.

SECTION 13. The common council shall have power to appropriate a sum not exceeding three hundred dollars, to any public purpose they may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect. Appropriations.

SALARIES.

SECTION 14. No compensation or salary shall be paid the mayor or any alderman of any city, except as inspectors of elections, members of the board of registry and members of the board of equalization. Salaries.

OWNERS OF LOTS—TO KEEP SIDEWALKS, ETC., IN GOOD REPAIR.

SECTION 15. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person in safe condition and good repair is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises. Owners of lots.

CHAPTER XV.

REPEALING CLAUSE.

SECTION 1. The act entitled "An act to incorporate the city of Oconto," of the private and local laws, approved March 11, 1869, and the several acts amendatory thereof, and all acts or parts of acts inconsistent and conflicting with the provisions of this act, are hereby repealed, but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, acts or suits, claims, penalties or demands that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance of the said act incorporating said city, or of the acts and parts of acts amendatory thereof, or any of them; but the same shall exist and be enforced and carried out, and be completed, as fully and effectually to all intents and purposes as if this act had not Repealing clause.

been passed; and all ordinances, resolutions, regulations, rules, by-laws and orders of the common council, or parts thereof, not repealed, suspended nor made void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the common council in pursuance of this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1882.

[No. 70, S.] [Published March 7, 1882.]

CHAPTER 57.

AN ACT to provide for the employment of a chief clerk in the office of the state superintendent.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Chief clerk.

SECTION 1. In addition to the present provisions of law for clerk hire in the office of state superintendent, the state superintendent is hereby authorized to appoint a suitable person to the position of chief clerk in his office, who shall, under the direction of the state superintendent, have charge of the correspondence and books incident and necessary to the business of the office of the said state superintendent, and render such other assistance as the state superintendent may direct.

Salary.

SECTION 2. The appointment of the chief clerk of the state superintendent shall be filed with the secretary of state. The salary of said clerk shall be fifteen hundred dollars per annum, payable monthly, and there is hereby annually appropriated from the state treasury out of funds not otherwise appropriated, a sum sufficient to pay the salary of the clerk hereby authorized to be appointed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1882.

[No. 190, S.] [Published March 10, 1882.

CHAPTER 58.

AN ACT to appropriate a certain sum of money therein named to Henry Z. Moulton and A. W. Baldwin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Money appropriated to Henry Z. Moulton.

SECTION 1. There is hereby appropriated to Henry Z. Moulton, clerk of the circuit court for Dane county,

out of any money in the general fund in the state treasury not otherwise appropriated, the sum of twenty-six dollars and ten cents, being the amount in full due him for clerk's fees, in cases State vs. Mills et al., and Shipman vs. State

To A. W. Baldwin.

SECTION 2. There is hereby appropriated to A. W. Baldwin, clerk of the circuit court for Rock county, out of any money in the general fund in the state treasury not otherwise appropriated, the sum of two dollars and eighty-nine cents, being the amount in full due him for clerk's fees in case State vs. Robert A. Baker.

SECTION 3. This act shall take effect and be in force from and after passage and publication.

Approved March 8, 1882.

[No. 176, A.] [Published March 9, 1882.]

CHAPTER 59.

AN ACT to amend chapter 164 of the laws of 1873 entitled an act to incorporate the city of Fort Howard and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Elective officers.

SECTION 1. The elective officers of said city shall be a mayor, treasurer, assessor, two justices of the peace, one city clerk, city marshal, one street commissioner and one alderman from the city at large, who shall be ex-officio president of the common council and also acting mayor of the city in case of the death, resignation, absence from the city, sickness or other disability of the mayor; and one supervisor and one alderman in each ward.

Salaries to be fixed.

SECTION 2. The common council of said city of Fort Howard shall, by motion or resolution at their last regular meeting in March in each year, at the same time that they are authorized by law to fix the salary of the city treasurer of the next ensuing year, fix also the salary of the city clerk, city marshal and street commissioner of said city and also the salary of the city assessor, which shall not exceed one hundred and fifty dollars per annum, and of the city superintendent of schools, which shall not exceed two hundred and fifty dollars per annum, and the respective salaries thus fixed shall not be increased or diminished or in any wise changed after being so fixed for the then ensuing term of such office.

SECTION 3. All officers of said city, except superintendent of schools, are hereby declared eligible as members of the school board, notwithstanding the fact of their holding such office.

Term of office.

SECTION 4. The term of office of the city superintendent of schools shall be for one year, and until his successor is elected and qualified, and shall commence September 1st in each year; the term of the present incumbent to expire August 31st, 1882.

First meeting.

SECTION 5. The first meeting of the school board of said city shall be on the first Monday of June in each year.

Constitution of the board.

SECTION 6. The board of health of said city shall consist of one member from each ward and one from the city at large, the latter to be a practicing physican, and all of them to be nominated by the mayor and confirmed by the common council.

Costs of repairs, etc.

SECTION 7. The cost of keeping in repair all roads, streets, sidewalks, gutters and sewers of said city shall be a proper charge upon the whole city, and shall be paid out of the general fund thereof. And all taxes hereinafter levied by said city for the improvement of streets, roads, sidewalks, gutters and sewers shall be levied upon the whole city and paid into the general fund.

Term of holding offices.

SECTION 8. Justices of the peace shall hold their offices for the term of two years, and shall have original jurisdiction of all actions arising under the city charter or ordinances of said city, and co ordinate jurisdiction with other justices of the peace throughout the county of Brown; and all the other officers and agents of said city, unless otherwise specially provided, shall hold their offices for the term of one year, and until their successors are elected and qualified.

SECTION 9. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall be in force and take effect from and after its passage and publication.

Approved March 8, 1882.

[No. 15, S.] [Published March 10, 1882.]

CHAPTER 60.

AN ACT to amend the act entitled an act to establish and maintain a public library in the city of Milwaukee, approved February 7, 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 9 of the act entitled an act to establish and maintain a public library in the city of Milwaukee, approved February 7, 1878, is hereby amended so that the same shall hereafter read as follows, to wit: Section 9. The common council shall levy and collect annually, upon all the taxable property in said city, at the same time and in the same manner as other city taxes are levied and collected by law, a special tax of one-fourth of a mill upon each dollar of the assessed value of said taxable property, and the entire amount of said special tax shall be paid into, and held in, the city treasury, as a separate and distinct fund, to be known as the "library fund," and the same shall not be used or appropriated, directly or indirectly, for any other purpose than for the maintenance and increase of the public library, the payment of the salaries of the librarian, assistants and other employes of the library, the purchase of books, furniture supplies and fuel, the expenses of rent and insurance, and the incidental expenses, including incidental repairs of the library rooms and furniture. Free library.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1882.

[No. 31, A.] [Published March 10, 1882.]

CHAPTER 61.

AN ACT to ratify the donation of a piece of land to the county of Sheboygan by the city of Sheboygan for the location of an asylum for the insane, and to authorize said city to pay for the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The donation of a piece of land containing nineteen acres made on the 5th day of August, A. D. 1881, to the county of Sheboygan, by the city of Sheboygan, for the location of an asylum for the insane near said city, through a conveyance from John Schlicht and Regina, his wife, to said county, is hereby ratified, and said city is authorized to pay to said Donate land for insane asylum.

Schlicht and wife nineteen hundred dollars with interest from the said date as purchase price for said land out of any funds in the treasury of said city not otherwise appropriated.

SECTION 2. Whenever said county shall cease to occupy said land for the purpose of an asylum or hospital for the insane, said county shall refund to said city the sum of nineteen hundred dollars with interest from the date of said cessation.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 8, 1882.

[No. 78, A.] [Published March 10, 1882.]

CHAPTER 62.

AN ACT relating to and amendatory of chapter 241 of the laws of the year 1879, entitled an act to incorporate the city of Seymour.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section 3 of chapter 1 of chapter 241 of the laws of 1879 is hereby amended so as to read as follows: Section 3. The city of Seymour shall consist of two wards, which wards shall comprise the territory mentioned in section 2 of this act. The centre of the main track of the Green Bay, Winona & St. Paul Railroad shall be the division line of said wards. All the territory south of said line within the limits of said city shall be known as the first ward of the city of Seymour; and all the territory north of said line within the limits of said city shall be known as the second ward of the city of Seymour.

SECTION 2. Section 4 of chapter 1 of chapter 241 of the laws of 1879 is hereby amended by striking out in the eleventh line the word "three," and inserting in place thereof the word "six;" and by striking out in the twelfth line after the word assessor the words "for each ward," and inserting in place thereof the words "for said city."

SECTION 3. Section 23 of chapter 1 of chapter 241 of the laws of 1879, is hereby amended by striking out in the second line the word "shall," and insert in the place thereof the word "may;" and by adding in the third line, after the words "in said city," the words "or in the county of Outagamie;" and by striking (out) in the fourth line the word "shall," and insert in place thereof the word "may."

SECTION 4. Section 22 of chapter 3 of chapter 241 of the laws of 1879 is hereby amended by adding in seventeenth line, after the work "tax," the words "to an amount not exceeding five dollars."

SECTION 5. Section 22 of chapter 6 of chapter 241 of the laws of 1879 is hereby amended so as to read as follows: Section 22. The mayor and aldermen shall not be entitled to any compensation for their services. The city clerk and city marshal shall receive such compensation, not exceeding thirty-five dollars each, for their services as shall be fixed each year by the common council at its first meeting.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 8, 1882.

[No. 234, A.] [Published March 10, 1882.]

CHAPTER 63.

AN ACT to amend chapter 127, of the laws of 1874, entitled "an act to incorporate the city of Menasha; and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4 of sub-chapter 2 of said chapter 127 of the laws of 1874, is hereby amended by inserting after the word "thereof," in the sixth line of said section, the following, to wit: "Provided, that whenever a vacancy shall occur in the office of justice of the peace, the common council may appoint temporarily a suitable person to such office, and the person so appointed shall hold said office until the charter election next ensuing said appointment, and no longer, when said vacancy shall be filled by election." Amended.

SECTION 2. Section 4 of sub-chapter 6 of said chapter 127 is hereby amended by striking out the word "two," in the 36th line of said section, and inserting in the place thereof the word "five," so that the clause in which said word "two" occurs shall read as follows: "And to levy a special tax to build or repair bridges, when the same may be necessary, not exceeding five thousand dollars in any one year, which shall be collected at the same time as other city taxes are collected."

SECTION 3. Anything contained in said chapter 127 of the laws of Wisconsin for 1874, or any act

amendatory thereof, conflicting with the foregoing amendments, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1882.

[No. 250, A.] [Published March 10, 1882.]

CHAPTER 64.

AN ACT to authorize A. W. Lawrence and others to build and maintain a dock in the waters of Sturgeon bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Build a dock.

SECTION 1. A. W. Lawrence, L. M. Washburn, C. M. Charnley and Lester Bradner, their heirs and assigns, are hereby authorized to build and maintain a dock in the waters of Sturgeon bay, in the county of Door, from undivided block two (2) in Rodger's plat of lots in Sturgeon Bay, now included in the village of Sturgeon Bay, and to extend the same into the waters of said bay the distance of one hundred feet.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 8, 1882.

[No. 251, A.] [Published March 10, 1882.]

CHAPTER 65.

AN ACT to authorize A. W. Lawrence, L. M. Washburn, C. M. Charnley and Lester Bradner to build and maintain a pier in the waters of Sturgeon bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Build a pier.

SECTION 1. A. W. Lawrence, L. M. Washburn, C. M. Charnley and Lester Bradner, their heirs and assigns, are hereby authorized to build, extend and maintain a pier in the waters of Sturgeon bay, in Door county, from lot three (3), in section seven (7), in town twenty-seven (27) north of range twenty-six (26) east, on or near the site of the present pier known as Schjoth's pier, and extending into the waters of said bay the distance of three hundred (300) feet.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1882.

[No. 17 S.] [Published March 14, 1882].

CHAPTER 66.

AN ACT to authorize the town of Menasha to hold its election and town meetings within the corporate limits of the town of Neenah.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town board authorized to hold meetings.

SECTION 1. The town board of the town of Menasha, in the county of Winnebago, is hereby authorized and empowered to hold its meetings and transact any and all business of said town at such places within the corporate limits of the city of Neenah, in said county, as said board by an order made and entered in its minutes or record may determine.

Election may be held within city limits.

SECTION 2. Any general or special election, and any annual or special town meeting of said town of Menasha hereafter to be held, or ordered, may be held within the corporate limits of said city of Neenah at such place therein as the town board of said town may designate; and at such elections and town meetings the inspectors thereof and town boards shall have all the powers and may discharge all the duties conferred by law upon, and required of town boards and inspectors of elections and town meetings, the same as if said elections and town meetings were held within the limits of said town of Menasha; provided, that notice of said election and town meeting shall specify the place where the same will be held; and any such election or town meeting hereafter so held within the limits of said city of Neenah shall be as legal in all respects as if held within the limits of said town, anything in the laws of this state to the contrary notwithstanding.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1882.

[No. 127, S.] [Published March 14, 1882.]

CHAPTER 67.

AN ACT for the preservation of trout in the waters of Brown county, state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time specified.

SECTION 1. No person shall, for the period of three years from the taking effect of this act, in any manner catch, kill or take from any brook, stream

or body of water within the limits of Brown county, state of Wisconsin, any brook or speckled trout; provided, any person owning or managing a brook or stream within the limits of said county used exclusively for the propogation, hatching or raising, for family use or for market, of brook or speckled trout, shall not be subject to the provisions or penalties of this act.

Penalties.

SECTION 2. Any person who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than fifty dollars, for each and every offense, together with all costs of prosecution, and stand committed to the common jail of said county until such fine and costs are paid or until otherwise discharged by law. Justices of the peace in and for said Brown county shall have jurisdicion of all complaints under this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 122, S.] [Published March 14, 1882.]

CHAPTER 68.

AN ACT to enable the city of Racine to make contracts extending the time of payment of a part of its corporate debt at a reduced rate of interest.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reducing interest on bonds.

SECTION 1. The common council of the city of Racine is hereby authorized to enter into agreements with the owner or owners of any of its corporate bonds falling due April 1, 1882, reducing the rate of interest thereon to a rate not exceeding six per centum per annum, and extending the time of payment thereof for the term of fifteen (15) years from said first day of April, 1882, with the option on the part of said city to pay the same at or after the expiration of five years from said date, and making the principal and interest thereof payable at the city treasurer's office in said city.

SECTION 2. Such agreements shall be indorsed upon the bonds so extended, and when so indorsed and signed by the owners of such bonds respectively, and by such officer as may be designated by the council on behalf of the city, shall be held and deemed to be

valid and binding contracts of extension for the purposes specified in the first section of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 59, S.] [Published March 14, 1882.]

CHAPTER 69.

AN ACT to amend section 425 of the revised statutes, relative to annual school meetings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 425 of the revised statutes is hereby amended so as to read as follows: Section 425. The annual meeting in all school districts in this state shall be held on the first Monday of June in each year. The hour of such meeting shall be seven o'clock in the afternoon unless otherwise provided by a vote of the district, duly recorded at the last previous annual meeting. It shall be the duty of the district board of each school district in this state, to meet on the Saturday immediately preceding the first day of June in each year, and carefully examine the accounts of the treasurer, and make up a full and itemized report of all receipts and expenditures since the last annual meeting, the amount in hands of the treasurer, or the amount of deficit for which the district is liable, and the estimated sum which will be required to be raised by taxes for the support of the school for the ensuing year, and the amount required to pay the interest or principal of any loan due or to become due during such year; which report shall be submitted in writing at the annual meeting, and recorded at length, with the action of the meeting thereon, by the clerk, with the record of the proceedings of the annual meeting. All school district officers whose term of office would expire at the time of the holding of annual meetings in the years 1882, 1883 and 1884 shall continue to hold the respective offices to which they have been elected until the time of holding the annual meetings in the years 1883, 1884 and 1885, and at the annual meetings held as provided in this section during the years last mentioned, successors to such incumbents, whose terms of office would otherwise have expired in the months of August or September, 1882, 1883 or 1884, shall be

First Monday in June.

Board to meet and examine accounts.

Officers to hold over.

elected for the full term of three years for each office thus expiring.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 117, S.] [Published March 14, 1882.]

CHAPTER 70.

AN ACT to amend section 1701 of the revised statutes, entitled "of voluntary assignments."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Voluntary assignments.

SECTION 1. Section 1701 of chapter 80 of the revised statutes, entitled "voluntary assignments," is hereby amended by adding at the end thereof the following: "At any time after the expiration of three months from the publication of the notice mentioned in section 1699, the assignee may file with the court a receipt in full, or release, executed by all the creditors of the assignor who have filed an affidavit or proof of their claims, as required by section 1698, up to the time of such application, together with the written consent of the assignor, and apply to the court for his discharge as assignee, which application shall be granted, and the court shall make an order requiring the assignee to deliver all property held by him as such assignee to the assignor, provided the assignor shall pay his fees and expenses and the costs of court, and thereupon the assignee shall be released and discharged from all liability to the creditors of the assignor for any moneys or property coming to his hands as such.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 114, S.] [Published March 14, 1882.]

CHAPTER 71.

AN ACT to appropriate a sum of money therein named to purchase stationery for state and legislative officers for the ensuing year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purchase of stationery.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of five thousand dollars, being the

amount estimated as necessary for the purchase of stationery for the use of state officers for the ensuing year, and for the use of legislative officers and committees for the next session.

SECTION 2. All claims and demands against the state for stationery furnished under the provisions of this act shall be sworn to by the parties furnishing the same, accompanied by the certificate of the superintendent of public property, and filed with the secretary of state, who shall draw his warrants for the amount.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 212, A.] [Published March 14, 1882.]

CHAPTER 72.

AN ACT to amend sections 462, 463, 464 and 537 of the revised statutes, relating to reports required to be made by school officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 462 of the revised statutes is hereby amended so as to read as follows: Section 462. It shall be the duty of the district clerk, between the tenth and fifteenth days of June in each year, to make and transmit to the town, city or village clerk, a written report, dated on the tenth day of June of such year, signed by him and verified by his affidavit, showing: **District clerk to make report.**

1. The number of children, males and female, designated separately, over the age of four, and under twenty years, residing in the district, and the names of the parents, or or other persons with whom such children resided, respectively, on the last day of May preceding.

2. The whole number of children, males and females, designated separately, between the ages of four and twenty years, taught in the district school during the year for which such report is made, by teachers duly qualified.

3. The number attending school during the year under the age of four, and the number over the age of twenty years.

4. The whole time in days, any common school has been taught in the district, including holidays, and the whole number of days, including holidays, such school has been taught by teachers qualified according to law.

5. The names of all teachers employed during the year; the number of days taught by each, including holidays, and the monthly wages paid to each; and the time allowed any teacher for attendance on any institute, for which no wages were deducted.

6. The amount of money received from the town treasurer, the amount from district taxes, and the amount received from all other sources during the year, and the manner in which the same has been expended, showing separately the expenditure of school money received from the state.

7. The kind of books used in school.

8. Such other facts and statistics in relation to the schools, public or private, in such district as the state superintendent may from time to time require. The clerk of each joint school district shall report to the town clerk of each town, a part of which is embraced in such district, the number of children residing in such part, in the manner set forth in this section, and the remainder of the items specified in this section shall be embraced in the report made to the town in which the school-house is situated.

Town clerk shall make report.

SECTION 2. Section 463 of the revised statutes is hereby amended so as to read as follows: Section 463. Each town clerk shall, between the tenth and fifteenth day of July in each year, make and transmit to the county superintendent of the county or district in which his town is situated, a report bearing date on the tenth day of said month, stating:

1. The whole number of school districts separately set off within the town, and the number of parts of joint districts, in which the school houses belonging thereto are located in his town.

2. The districts and parts of districts from which reports shall have been made, within the time limited for that purpose.

3. The length of time a school shall have been taught in each of such districts or parts of districts.

4. The amount of public money received in each.

5. The number of children taught in each, and the number of children over the age of four and under the age of twenty years residing in each.

6. The whole amount of money received in the town for school purposes, since the date of the last preceding report, setting forth separately the amount received from the state through the county treasurer, the amount levied by the county board, and the amount raised by the town at its annual meeting.

7. The amount of money raised by district tax for school purposes.

8. The manner in which said moneys have been expended, and whether any, and what part, remains unexpended, with such other information as the state superintendent may require, and as may be reported to him by the district clerks.

County superintendent shall make report to state superintendent.

SECTION 3. Section 464 of the revised statutes is hereby amended so as to read as follows: Section 464. Each county superintendent shall, on or before the fifteenth day of August in each year, make and transmit to the state superintendent a report in writing, setting forth the whole number of towns in his district, distinguishing those from which the required reports have been made to him by the town clerks. and containing an abstract of their reports, and also embracing an abstract of the annual report of the secretary of each free high school in such district, and file a copy of such report in the office of the county clerk, and also within the time above mentioned, make and deliver to the county treasurer a written statement of the whole number of children in each town over the age of four and under the age of twenty years, returned from districts which have maintained schools for five or more months during the past year, as appears from the reports of town clerks.

SECTION 4. Section 537 of the revised statutes is hereby amended so as to read as follows: Section 537. It shall be the duty of the secretary, on or before the fifteenth day of August in each year, to make and transmit to the county superintendent a report in writing, bearing date on the fifteenth day of August, in the year of its transmission, stating:

1. The whole number of sub-districts, and parts of sub-districts, separately set off within the town.

2. The length of time a school shall have been taught in each of said sub districts or parts of districts.

3. The number of children taught in each, and the number of children over the age of four, and under the age of twenty years, residing in each.

4. The whole amount of money received in the town for school purposes, since the date of the last preceding report, setting forth separately the amount received from the state through the county treasurer, the amount levied by the county board, and the amount raised by the town at its annual town meeting or general election.

5. The manner in which said money has been expended, and whether any or what part remains unexpended, with such other information as the state superintendent may from time to time require.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 17, A.] [Published March 14, 1882.]

CHAPTER 73.

AN ACT relating to offenses against chastity, morality and decency, and amendatory of section 4580 of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for offenses against chastity.

SECTION 1. Section 4580 of the revised statutes of 1878 is hereby amended by adding thereto at the end thereof the following: In case any man shall commit fornication with a female of previous chaste character under the age of fifteen years, he shall, upon conviction thereof, be punished by imprisonment in the state prison not more than four years, so that said section when so amended shall read as follows: Section 4580. Any man who commits fornication with a single woman, each of them shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding one hundred dollars. In case any man shall commit fornication with a female of previous chaste character under the age of fifteen years, he shall, upon conviction thereof, be punished by imprisonment in the state prison not more than four years or by fine not exceeding five hundred dollars, or both, in the discretion of the court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 185, A] [Published March 14, 1882.]

CHAPTER 74.

AN ACT to authorize the Chippewa Valley & Superior Railway Company, its successors and assigns, to build, keep and maintain a bridge for railway purposes across the Chippewa river in the city of Eau Claire, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Chippewa Valley & Superior Railway Company, a corporation created and existing under the laws of the state of Wisconsin, is, and its successors and assigns are, hereby authorized and empowered to build, construct, finish, complete and at all times keep and maintain for railway purposes, a bridge on the line of its railway over and across the Chippewa river in the city of Eau Claire, Wisconsin, above the mouth of the Eau Claire river, from the sixth to the eighth wards of said city, where said bridge is now located and in process of construction, with all necessary approaches thereto and protection thereof. **May build a bridge.**

SECTION 2. The superstructure of said bridge shall be a Howe truss, consisting of three (3) fixed spans of one hundred and twenty-five (125) feet each in length, and one span of fifty-eight (58) feet in length, supported by five (5) pile piers with crib protection, as now constructed in said river, and shall be constructed in a good substantial, workmanlike manner, and of such suitable materials as will render the same safe and permanent; the open spaces between the piers to be free from obstructions, and the piers so constructed as not to unnecessarily impede navigation for logs, lumber and rafts, and said superstructure shall be twenty (20) feet above usual low water mark in said river. **How built.**

SECTION 3. The bridge now being constructed by said railway company, according to the foregoing requirements and without any draw span at the location mentioned in section 1 of this act, is hereby legalized, and its location ratified and confirmed, and said railroad company, its successors and assigns, is hereby authorized and empowered to keep and maintain, and repair and replace the same when necessary, but the legislature may at any time require a suitable draw to be constructed in said bridge. **Legalized.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 213, A.] [Published March 14, 1882.]

CHAPTER 75.

AN ACT to authorize Andrew Nelson to build a pier in the waters of Green Bay, Door county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build a pier.

SECTION 1. Andrew Nelson, his heirs or assigns are hereby authorized to build and maintain a pier in the waters of Green Bay, from lot number four (4), section number one (1), township number thirty-two (32), range number twenty-eight (28) east in Door county, Wisconsin; said pier to extend into the water of Green Bay not to exceed three hundred (300) feet, to be used for general shipping purposes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 215, A.] [Published March 14, 1882.]

CHAPTER 76.

AN ACT to authorize Fred Ruchert to build a pier in the waters of Green Bay, in Door county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build a pier.

SECTION 1. Fred Ruchert, his heirs or assigns, are hereby authorized to build and maintain a pier in the waters of Green Bay from lot number two (2), section number fifteen (15), township number thirty-two (32), range number twenty-eight (28) east, in Door county, Wisconsin, said pier to extend into the waters of Green Bay not to exceed three hundred (300) feet.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 303, A.] [Published March 14, 1882.]

CHAPTER 77.

AN ACT to authorize the Chippewa Valley and Superior Railroad Company and its successors and assigns to build, construct and maintain a bridge for railway purposes over and across the Red Cedar river, in the county of Dunn and state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build a bridge.

SECTION 1. The Chippewa Valley & Superior Railway Company, a corporation organized and existing

under the laws of the state of Wisconsin, is, and its successors and assigns are hereby authorized and empowered to build, construct and maintain a bridge for railway purposes over and across the Red Cedar river and Downsville pond, on section thirty-four (34) in township twenty seven (27) north, of range thirteen (13) west, in the county of Dunn and state of Wisconsin; and for such purpose may erect piers and drive piles and build embankments and approaches in said river and on the banks thereof necessary for the proper and convenient construction and maintenance of such bridge.

SECTION 2. The superstructure of said bridge shall consist of two fixed spans of one hundred feet in length with pile bridge approaches, the superstructure to rest upon crib work, and shall be constructed in a good, workmanlike manner, and of such substantial materials as will render them safe and permanent and of a sufficient height as not to interfere with the running and handling of rafts of lumber, timber or logs. The open spaces between the crib work supports to be free from obstructions, and the piles, piers and crib work to be so constructed as not to unnecessarily impede navigation for logs, lumber and rafts, or obstruct the free passage of rafts of lumber, timber or logs through the chute in the said Downsville pond. How built.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 834, A.] [Published March 14, 1882.]

CHAPTER 78.

AN ACT to amend chapter 136 of the general laws of 1879, entitled an "act to authorize John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglass, and assigns, to erect and maintain a dam across the Red Cedar river in Burnett county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglass, their heirs and assigns, are hereby authorized to construct and maintain a dam across Red Cedar river, on land owned by the Knapp, Stout and Co. company in section number twenty-five, in township number thirty-seven north, of range number ten west, of the fourth principal meridian in the May build dam.

county of Burnett: Said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream; provided, said dam shall not interfere with the rights of any person heretofore acquired.

Shall build slides.

SECTION 2. The aforesaid persons, their heirs and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall put through said dam all logs, timber and lumber belonging to any and all other persons, free and clear of charge and expense.

Penalty.

SECTION 3. Any person or persons who shall wilfully break or destroy said dam, or open the same, shall be liable to the proprietors thereof in an action for trespass to the amount of damages done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 10, 1882.

[No. 415, A.] [Published March 14, 1882.]

CHAPTER 79.

AN ACT relating to the municipal court of Marathon county, and amendatory of chapter 115 of the general laws of Wisconsin of the year 1879 entitled an act to establish the municipal court of the city of Wausau and county of Marathon, and repeal chapter 146 of the general laws of Wisconsin for the year 1876.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Chapter 115 of the general laws of Wisconsin for the year 1879 is hereby amended by adding to said chapter after section 10 as follows: Section 10 a. In case of the sickness, absence or temporary disability of said judge, any justice of the peace of the city of Wausau shall have jurisdiction of prosecutions for the violation of any by-law or ordinance of said city, and shall have the same power and authority in the disposition of such cases as are conferred upon said judge.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1882.

[No. 50, A.] [Published March 31, 1882.]

CHAPTER 80.

AN ACT relating to and amendatory of subdivision 2 of section 2, chapter 150, general laws of 1881, entitled an act for the payment of bounty on wild animals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision 2 section 2, chapter 150, general laws of 1881, is hereby amended by adding after the figures "18—," where they appear in the eleventh line of said section, the words, "and that the scalp of said —— was removed in my presence," so that said subdivision, when so amended, shall read as follows: "I, —— ——, chairman of said town in said county, do certify that —— ——, has this day exhibited to me the carcass of a ——, which he claims to have killed in said town on the —— day of ——, 18—, and that the scalp of said —— was removed in my presence. Wild animals.

Dated ——, 18—.

—— ——, Chairman Town of ——.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 98, A.] [Published March 14, 1882.]

CHAPTER 81.

AN ACT to authorize the county board of Columbia county to appropriate aid to rebuild bridges washed away by the overflow of the Wisconsin river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Columbia is hereby authorized and empowered to appropriate such an amount of money as in the judgment of said board shall be deemed necessary to repair or rebuild any bridge or bridges washed away or damaged in said Columbia county by reason of the overflow of the Wisconsin river and other rivers and streams in said Columbia county. May appropriate money.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 13, A.] [Published March 14, 1883.]

CHAPTER 82.

AN ACT to authorize Chauncey B. Thayer, his heirs or assigns, to build and maintain a pier in the waters of Green Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May maintain a pier.

SECTION 1. Chauncy R. Thayer, his heirs or assigns, is hereby authorized to build and maintain a pier in the waters of Green Bay, from section number thirty-one (31), township number twenty-nine (29), range number twenty-six (26), in Door county, Wisconsin; said pier to extend into the waters of Green Bay a distance not to exceed four hundred (400) feet, to be used for general shipping purposes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 306, A.] [Published March 14, 1882.]

CHAPTER 83.

AN ACT to authorize the Chippewa Valley & Superior Railway company and its successors and assigns, to build, construct and maintain a bridge for railway purposes over and across Beef Slough, a branch of the Chippewa river, in the county of Buffalo and state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build a bridge.

SECTION 1. The Chippewa Valley & Superior Railway Company, a corporation organized and existing under the laws of this state, is, and its successors and assigns are hereby authorized and empowered to build, construct and maintain a bridge for railway purposes over and across Beef Slough, a branch of the Chippewa river, on section twelve (12) in township twenty-four (24), north, of range fourteen (14), west, in the county of Buffalo and state of Wisconsin; and for such purpose may erect piers and drive piles and build embankments and approaches in said Beef Slough, and on the banks thereof, necessary for the proper and convenient construction and maintenance of said bridge.

How constructed.

SECTION 2. Said bridge shall be a truss consisting of one fixed span one hundred and twenty-six (126) feet in length resting on piles, and with pile approaches, the superstructure of said bridge to be eighteen (18) feet above the usual low water mark, and shall be constructed in a good, substantial, workmanlike man-

ner, and of such substantial materials as will render the same safe and permanent, the opening between the pile supports to be one hundred and twenty (120) feet in the clear, free from obstructions, and so as not to unnecessarily impede navigation for logs, lumber and rafts.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1882.

[No. 193, A.] [Published March 14, 1882.]

CHAPTER 84.

AN ACT to correct a mistake in chapter 287 of the laws of 1881, entitled an act to amend chapter 153, section 3318 of the revised statutes of 1878, relating to liens.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In regard to lien.

SECTION 1. Section 1 of chapter 287 of laws of 1881 is amended so as to read as follows: Section 1 chapter 143, section 3318 of the revised statutes of 1878 is hereby amended so as to read as follows: Section 3318. No lien hereby given shall exist and no action to enforce the same shall be maintained unless within six months from the date of the last charge for performing such work and labor or of the furnishing of such materials a claim for such lien shall be filed as hereinafter provided in the office of the clerk of the circuit court of the county in which the lands affected thereby lie, nor unless such action be brought within one year from such date, unless within thirty days next preceding the expiration of one year the person filing the lien shall make and annex to the instrument on file an affidavit setting forth the interest which he has by virtue of such lien in the property therein mentioned, upon which affidavit the clerk shall endorse the time when the same was filed. The effect of such affidavit shall not continue beyond one year from the time when such lien would otherwise cease to be valid as against subsequent purchaser's liens or mortgages in good faith. Such claim for lien may be filed and docketed within such six months notwithstanding the death of the owner of the property affected thereby, or of the person with whom the original contract, was made, with like effect as if he were then living.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved March 11, 1882.

[No. 331, A.] [Published March 14, 1882.]

CHAPTER 85.

AN ACT to legalize the proceedings of a special town meeting of the town of Fremont, Waupaca county, held January 5, 1882.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Money voted.

SECTION 1. The proceedings of a special town meeting, held in the town of Fremont, Waupaca county, January 5, 1882, for the purpose of voting a tax of five hundred dollars, to aid in the construction of a depot or station house, on section number eighteen, in township number twenty-one north, of range number fourteen east, in said town of Fremont, for the use and benefit of said town, and being on the line of the Wisconsin Central railroad, are hereby legalized and declared valid.

SECTION 2. This act shall take effect from and after its passage.

Approved March 11, 1882.

[No. 179, A.] [Published March 15, 1882.]

CHAPTER 86.

AN ACT to repeal chapter 291 of the laws of Wisconsin for the year 1878, entitled "an act to authorize W. L. Sadler to erect and maintain a dam across Sucker Branch, in Polk county, for log-driving purposes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May maintain a dam.

SECTION 1. Chapter 291 of the laws of Wisconsin for the year 1878, entitled an act to authorize W. L. Sadler to erect and maintain a dam across Sucker Branch in Polk county is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

[No. 319, A.] [Published March 16, 1882.]

CHAPTER 87.

AN ACT to amend chapter 162 of the laws of 1877, entitled "an act to incorporate the city of New London," and to repeal chapter 100 of the laws of 1880, entitled "an act to amend chapter 162 of the laws of 1877," and to repeal sections 1, 2 and 3 of chapter 293 of the laws of 1881, entitled "an act to amend chapter 162 of the laws of 1877."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 1 of sub chapter 3 of chapter

162 of the laws of the year 1877, is hereby amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor, treasurer, a justice of the peace, and an assessor, to be elected by the city at large; and the following officers to be elected from each ward: one alderman, one supervisor, to represent the ward in the board of supervisors of the county, one justice of the peace and one constable. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council, including a chief of police, city clerk and city attorney, a street commissioner in and for the First, Third and Fourth wards, and one in and for the Second and Fifth wards.

SECTION 2. There shall be added to section 2 of sub-chapter 3 of said chapter 162 the following: Provided, further, that the mayor and aldermen of said city shall not receive any compensation for services rendered as such mayor or alderman, or for services on any committee appointed by such mayor or aldermen.

Regulating groceries, etc.

SECTION 3. Subdivision 1 of section 3 of sub-chapter 5 of said chapter 162 is hereby amended so as to read as follows: 1. To regulate groceries, taverns, victualing houses, saloons, gardens, and all other places within said city, where spirituous, vinous or fermented liquors are sold or given away; and to license, regulate and restrain, tavern keepers, grocery keepers, keepers of saloons, victualing houses, or other houses, or the places for the dealing in, selling or giving away, spirituous, vinous or fermented liquors, and to regulate the amount to be paid for such licenses, and to restrain or prohibit any person from vending, giving away, or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council; provided that the amount charged for such license shall be at the rate of fifty dollars per year, no more, or less; such license shall not be granted for a longer time than one year, and shall run from the 1st day of May; *Provided, however*, when any such license is applied for after that date, the same may be granted to expire on the 1st day of May next following, on the applicant paying pro rata therefor.

Shall levy tax.

SECTION 4. Section two of sub-chapter 10 of said chapter 162, of the laws of the year 1877, is hereby amended so as to read as follows: Section 2. The common council shall levy annually, to defray the current expenses of said city, a sum not exceeding fifteen mills on the dollar, of the total assessed valuation of

all taxable property in said city, and for all other purposes, except for schools, bridges, highways, and the payment of principal and interest on outstanding bonds, debts and obligations of said city, a sum not exceeding five mills on a dollar of said valuation.

Assessor shall complete his assessment roll.

SECTION 5. Section 9 of sub-chapter 10 of said chapter 162 is hereby amended so as to read as follows: Section 9. The assessor shall complete and return his assessment roll to the board of equalization of said city on or before the first Monday in June in each year. And during the last week of the month of May in each year the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who feel themselves aggrieved by such assessment and shall make alterations and such amendments thereto as in his judgment may be required.

Board of equalization; by whom composed.

SECTION 6. Section 11, of sub-chapter 10 of said chapter 162 of the laws of 1877, is hereby amended so as to read as follows: Section 11. The mayor, city clerk, treasurer and assessor shall constitute a board of equalization, and shall meet at the chambers of the common council on the first Monday of June in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable; reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof. The board may supply omissions in said roll and for the purpose of equalizing the same, may alter and add to, take from, and otherwise revise and correct the same; provided, however, the board shall not have the power to increase the amount of said roll, except by adding the value of such real property as may have been omitted by the assessor.

Fees for collection of taxes.

SECTION 7. Section 23 of said sub-chapter 10, of chapter 162 of the laws of 1877, is hereby amended so as to read as follows: Section 23. The treasurer shall be entitled to receive and collect as fees for collection of taxes, one per cent. upon all taxes collected by or paid to him before the first Monday of January, of each year and after that date, two per cent.; and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sale of goods upon execution. The city treasurer shall collect the fees hereinbefore described, and he shall

keep in a book to be provided for that purpose a true account and statement of all fees by him received as city treasurer, from any source whatever, and such book shall be open at all reasonable hours to the inspection of all persons, and the city treasurer shall, when required make report to the common council, duly certified on oath, of all fees or other moneys rereceived by him as treasurer; and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him with all necessary books, blanks and stationery requisite to the discharge of his duties.

SECTION 8. The highway taxes in said city shall be levied and collected in the same manner as provided by the revised statutes of this state for the levy and collection of highway taxes in towns, except that the clerk shall make the tax roll from the assessment of the same year.

SECTION 9. Chapter 100 of the laws of this state for the year 1880, and sections 1, 2 and 3 of chapter 293 of the laws of this state for the year 1881, are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

[No. 198, A.] [Published March 15, 1882.]

CHAPTER 88.

AN ACT for the preservation of fish in the county Monroe.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person who shall catch or take or attempt to do so from any lake or watercourse within the county of Monroe, fish of any kind by the use of any net, seine, basket, grappel, trap or any other device or means other than by spear, hook and line, or angling, shall be guilty of a misdemeanor, and on conviction thereof be punished by fine not less than five dollars nor more than twenty-five dollars, together with costs of prosecution, for every such offense, or imprisonment in the county jail not less than one nor more than ten days, in the discretion of the court. Fish.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

all taxable property in said city, and for all other purposes, except for schools, bridges, highways, and the payment of principal and interest on outstanding bonds, debts and obligations of said city, a sum not exceeding five mills on a dollar of said valuation.

Assessor shall complete his assessment roll.

SECTION 5. Section 9 of sub-chapter 10 of said chapter 162 is hereby amended so as to read as follows: Section 9. The assessor shall complete and return his assessment roll to the board of equalization of said city on or before the first Monday in June in each year. And during the last week of the month of May in each year the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who feel themselves aggrieved by such assessment and shall make alterations and such amendments thereto as in his judgment may be required.

Board of equalization; by whom composed.

SECTION 6. Section 11, of sub-chapter 10 of said chapter 162 of the laws of 1877, is hereby amended so as to read as follows: Section 11. The mayor, city clerk, treasurer and assessor shall constitute a board of equalization, and shall meet at the chambers of the common council on the first Monday of June in each year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable; reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof. The board may supply omissions in said roll and for the purpose of equalizing the same, may alter and add to, take from, and otherwise revise and correct the same; provided, however, the board shall not have the power to increase the amount of said roll, except by adding the value of such real property as may have been omitted by the assessor.

Fees for collection of taxes.

SECTION 7. Section 23 of said sub-chapter 10, of chapter 162 of the laws of 1877, is hereby amended so as to read as follows: Section 23. The treasurer shall be entitled to receive and collect as fees for collection of taxes, one per cent. upon all taxes collected by or paid to him before the first Monday of January, of each year and after that date, two per cent.; and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sale of goods upon execution. The city treasurer shall collect the fees hereinbefore described, and he shall

keep in a book to be provided for that purpose a true account and statement of all fees by him received as city treasurer, from any source whatever, and such book shall be open at all reasonable hours to the inspection of all persons, and the city treasurer shall, when required make report to the common council, duly certified on oath, of all fees or other moneys rereceived by him as treasurer; and he shall receive no other or further compensation for his services as treasurer, than as hereinbefore provided, except that the common council shall provide him with all necessary books, blanks and stationery requisite to the discharge of his duties.

SECTION 8. The highway taxes in said city shall be levied and collected in the same manner as provided by the revised statutes of this state for the levy and collection of highway taxes in towns, except that the clerk shall make the tax roll from the assessment of the same year.

SECTION 9. Chapter 100 of the laws of this state for the year 1880, and sections 1, 2 and 3 of chapter 293 of the laws of this state for the year 1881, are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

[No. 198, A.] [Published March 15, 1882.]

CHAPTER 88.

AN ACT for the preservation of fish in the county Monroe.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person who shall catch or take or attempt to do so from any lake or watercourse within the county of Monroe, fish of any kind by the use of any net, seine, basket, grappel, trap or any other device or means other than by spear, hook and line, or angling, shall be guilty of a misdemeanor, and on conviction thereof be punished by fine not less than five dollars nor more than twenty-five dollars, together with costs of prosecution, for every such offense, or imprisonment in the county jail not less than one nor more than ten days, in the discretion of the court. Fish.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

[No. 70, A.] [Published March 15, 1882.]

CHAPTER 89.

AN ACT to amend sections 3 and 4 of chapter 161 of the general laws of the year 1881, entitled an "act to authorize James Hewett and his assigns to build and maintain a dam across Wedges' creek in the county of Clark, Wisconsin."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build a dam.

SECTION 1. Section 3 of chapter 161 of the general laws of the state of Wisconsin for the year A. D., 1881, is hereby amended by inserting after the word dam, in the eighth line of said section, the words "and also upon all logs cut in said township and banked upon said Wedges' creek below said dam, and driven by the aid thereof," so that said section 3, when amended, will read as follows: Section 3. When said dam shall have been constructed, as before provided, so as to render the floating of logs down and out of said creek, from above said dam, reasonably certain, the said James Hewett, in consideration of the building of said dam shall be entitled to charge, sue for and collect tolls on all logs cut and banked in township number twenty-five (25) north of range number three (3) west, and driven through said dam, and also upon all logs cut in said township and banked upon said Wedges' creek below said dam, and driven by the aid thereof, the sum of ten cents per thousand feet, board measure.

SECTION 2. Section 4 of said chapter 161 is hereby amended by striking out the word "through," where it appears in the second line of said section 4, and inserting in lieu thereof the words, "by the aid of," so that said section 4, when so amended will read as follows: Section 4. The tolls authorized by this act shall be a lien on all logs driven by the aid of said dam for the amount thereof at the rate aforesaid, and shall be enforced in the same manner as liens for labor on logs under the general statutes.

Approved March 13, 1882.

[No. 127, A.] [Published March 14, 1882.]

CHAPTER 90.

AN ACT fixing the terms of the circuit courts in the several counties of the eleventh judicial circuit, and repealing chapter 181 of the general laws of 1879.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court; when held.

SECTION 1. The terms of the several circuit courts of the eleventh judicial circuit shall hereafter be held as follows:

In the county of Ashland on the Tuesday next succeeding the third Monday of July, and the Tuesday next succeeding the third Monday in January.

In the county of Barron, on the Tuesday next succeeding the fourth Monday of April and on the Tuesday next succeeding the fourth Monday of September.

In the county of Bayfield on the Tuesday next succeeding the second Monday of July and on the Tuesday next succeeding the second Monday of January.

In the county of Burnett on the Tuesday next succeeding the third Monday of April and on the Tuesday next succeeding the third Monday of September.

In the county of Chippewa on the Tuesday next succeeding the first Monday of May and on the Tuesday next succeeding the first Monday of October.

In the county of Douglas on the fourth Monday in June and on the third Monday in December.

In the county of Polk on the Tuesday next succeeding the second Monday in June and on the Tuesday next succeeding the first Monday of December.

Shall be special terms.

SECTION 2. Every general term of said circuit court in the counties of Ashland, Chippewa and Polk, of said circuit shall also be special terms for the whole of said circuit, and all actions, motions or proceedings, or other business now pending or which may hereafter arise in any or either of the counties of said circuit and not requiring a jury, may be brought on, heard, tried and determined, or otherwise acted upon or disposed of, at any or either of said special terms in the same manner and with the same force and effect as if the same were brought on or heard, tried or determined, or otherwise acted upon or disposed of, in the county wherein the same are now pending, or may hereafter arise; and when any cause or matters are pending in either of the counties, different from the county in which the special term is held, the clerk of the court where the special term is held shall transmit all orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending. The said papers shall be filed or entered by said clerk in the same manner as if said cause had been heard or determined by the circuit court at a term thereof held in that county; and all orders, proceedings or judgments made in pursuance of this act, shall have the like force and effect as if made in the county where such cause or matters are or may be pending, and no notice of the holding of such special term shall be required other than the passage and publication of this act.

SECTION 3. All writs, indictments, summons, recognizances, processes, informations, motions and other proceedings in any of said courts, and all jurors summoned and all notices of trial, and every and all proceedings pending or to be heard on the days heretofore fixed as the first day of said courts, shall be held returnable, cited to appear, and noticed for hearing on the days herein fixed for the first day of said several courts, and shall be heard and disposed of as if noticed for hearing on the days herein fixed.

SECTION 4. All acts or parts of acts conflicting with this act are hereby repealed so far as they conflict with the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

[No. 45, S.] [Published March 15, 1882.]

CHAPTER 91.

AN ACT to amend chapter 195 of the laws of 1878, entitled "an act to incorporate the city of Waupun," as amended by chapter 180 of the laws of 1879.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Elective officers.

SECTION 1. Section 1 of chapter 3 of chapter 195 of the laws of 1878, entitled "an act to incorporate the city of Waupun," is amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor, marshal and treasurer for the city at large, and three aldermen, one justice of the peace, one assessor and one supervisor for each ward of said city.

When elections shall be held.

SECTION 2. Section 1 of chapter 4 of said act is amended so as to read as follows: Section 1. The municipal election for said city shall be held in each ward thereof, at such place as the common council shall direct, on the first Tuesday in April in each year, at which election the several elective city and ward officers provided for in this act shall be voted for by the resident electors of such ward; provided, that at the municipal election for 1882 there shall be elected in each ward of said city one alderman for the term of two years, and two aldermen each for the term of one year, and annually thereafter there shall be elected in each ward of said city one alderman for the term of two years, one alderman for the term of one year: and provided further, that at least one alderman in each ward shall, when elected and during his

term of office be a resident and freeholder in that part of such ward lying west of the Chicago, Milwaukee & St. Paul Railway, and no person shall be eligible to any city office, excepting officers of the fire department, unless he shall be a resident elector and freeholder of said city, and no person shall be eligible to any ward office unless he shall be a resident elector and freeholder in that part of the ward from which he shall be elected or appointed.

SECTION 3. Section 9 of chapter 4 of said act is hereby amended by adding thereto at the end of said section the following words: Provided further, that any appointment to fill a vacancy in the office of an alderman elected for the term of two years shall extend only to the next municipal election, when such vacancy shall be filled by election.

SECTION 4. Chapter 4 of said act is amended by adding thereto at the end of said chapter the following: Section 12. Within two days after each municipal election, the common council shall meet and canvass the returns thereof made to the city clerk. They shall consider and determine the eligibility of the several candidates voted for, and determine and declare the result of such election. Section 13. A vacancy shall exist in any elective office named in this act whenever the person elected thereto or appointed to fill a vacancy therein shall have been ineligible to such office at the time of his election or appointment, or shall afterward cease to be a resident elector and freeholder of the city, ward or part of ward, as the case may be, from which he shall have been elected or appointed, or upon the death, resignation, malfeasance in office, or neglect of such person to qualify as required by this act, or for wilful neglect to perform the duties of his office; and the common council shall determine and declare when any such vacancy exists, and may remove any officer of said city for wilful neglect of duty, malfeasance in office, or upon the conviction of such officer for crime. Section 14. Whenever any injury shall occur to persons or property in the city of Waupun by reason of any defect or incumbrance of any street, sidewalk, alley or public ground or from any other cause for which said city would be liable, and such defect, incumbrance or other cause of injury shall arise or be produced by the wrong, default or negligence of any person or corporation, such person or corporation so guilty of such wrong, default or negligence shall be primarily liable for all damages for such injury, and the said city shall

When returns shall be canvassed.

not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Who constitutes the common council.

SECTION 5. Section 2 of chapter 5 of said act and the act amendatory thereof is revised and amended, so that said section, when so revised and amended, shall read as follows: Section 2. The mayor and aldermen shall constitute the common council of said city, and the style of all ordinances shall be, "The common council of the city of Waupun do ordain." The common council shall meet, qualify and organize on the second Tuesday in April in each year, or as soon thereafter as possible; a majority of the common council shall constitute a quorum, and may elect by ballot one of their number president, who shall be styled "president of the council," and who shall preside over the council in the absence of the mayor, and during the absence of the mayor from the city, or his inability from any cause to perform the duties of his office, such president shall possess all the powers and perform all the duties of the mayor; and any official act performed by him during such absence or inability of the mayor, shall have the same force and validity as if performed by the mayor.

Street commissioner.

SECTION 6. Section 4 of chapter 5 of said act is amended so as to read as follows: Section 4. At the first meeting of the common council in each year, or as soon thereafter as may be, the common council shall elect by ballot one street commissioner for said city, who shall be subject to the duties and liabilities prescribed in this act, or in any ordinance of said city.

SECTION 7. Section 7 of chapter 5 of said act is amended by striking out the words "by the clerk," where they occur in the eighteenth line of said section.

SECTION 8. Section 11 of chapter 5 of said act is amended by adding thereto, at the end of said section, the following words: And any process issued by any justice of the peace of either of said counties, directed to the sheriff or any constable of such county, may be served by said marshal, and any such process properly served and returned by him under such directions shall be valid.

Shall not contract for higher price than authorized.

SECTION 9. Section 13 of chapter 5 of said act is amended by adding thereto at the end of said section, the following words: And provided further, that the street commissioners shall not purchase or contract for the purchase of any material or labor on behalf of the city of Waupun at any higher price than shall have

been previously expressly authorized by the common council, and said city shall not be liable for the price of any material or labor purchased by him, or be bound by any contract made by him at any higher price than shall have been so authorized; and the common council may require a bond from the street commissioner in such sum and with such sureties and conditions as the said common council shall direct and approve for the faithful discharge of his official duties.

SECTION 10. Section 18 of chapter 5 of said act is amended by adding thereto, at the end of said section, the following words: And provided further, that in all cases when execution shall be issued by either such justice of the peace, in actions for tort, and the defendant shall be imprisoned thereon, he shall be committed to and imprisoned in the common jail of the county in which the cause of action shall have arisen.

SECTION 11. Section 1 of chapter 6 of said act is amended so as to read as follows: Section 1. All city, ward and special taxes shall be collected upon the last previous assessment of said city, and paid out of the treasury only upon orders drawn thereon by authority of the common council.

Shall levy a general highway tax.

SECTION 12. Section 3 of chapter 6 of said act and the act amendatory thereof is revised and amended, so that said section, when so revised and amended, shall read as follows: Section 3. The common council shall, on or before the first Monday in October in each year, determine and levy a general highway tax upon the assessed property of said city for such year, which shall not be more than two mills on each dollar of the assessed valuation of said city for such year; such tax shall be included in the general tax rolls next thereafter and collected by the city treasurer with the other taxes for such year, and shall constitute a highway fund for said city and shall be expended only for the improvement of the public streets therein; and every male inhabitant of the city of Waupun of the age of twenty-one years and under the age of fifty years, not exempt therefrom by the general laws of this state, shall pay an annual poll tax of one dollar, which shall be a part of the highway fund of said city and shall be ascertained and collected as follows: Each assessor of said city shall, at the time of making his assessment in each year, make out a list of all persons in his ward liable to pay such tax, and deliver the same to the city clerk at the time of returning his assessment roll for such year. The common council

shall revise and correct such lists, and may add thereto the names of such persons as may have been improperly omitted therefrom by the assessors, and may strike therefrom the name of any person whom they shall be satisfied by the oath of such person or by other proof is legally exempt from such tax. The city clerk shall deliver such corrected list to the city treasurer with the general tax roll for such year, and the city treasurer shall demand and collect from each person named thereon the amount of such tax at the time of collecting the general tax for such year. He shall post such lists in a conspicuous place in his office, and any person whose name shall appear thereon who shall neglect or refuse to pay such tax or to deliver to the treasurer a certificate signed by the city clerk that his name has been struck off such list by the common council within ten days after such tax has been demanded of him, either personally or by written or printed notice to pay such tax directed to him, and deposited in the postoffice at Waupun, postage paid, shall forfeit and pay a penalty of five dollars and costs of prosecution, which shall be sued for and recovered by the city treasurer in the name of the city of Waupun, in the same manner and with the same effect as is provided in this charter of the city of Waupun for prosecutions to recover penalties for the violation of ordinances of said city; provided that the treasurer shall receive in payment of any such tax the street commissioner's certificate that such person has performed ten hour's labor upon the streets of said city under his direction in payment of his poll tax for such year, and all such poll taxes shall be demanded and collected by the treasurer before the time fixed by law for the return of the tax rolls for such year.

May draw orders in advance.

SECTION 13. Section 4 of chapter 6 of said act is amended by adding thereto at the end of said section the following words; provided further, that the common council may in each year draw orders on the highway fund in advance of the collection of the highway tax for such year, not to exceed altogether the sum of one thousand dollars in any one year, which shall be payable out of such highway fund when the highway taxes for such year are collected.

May order paving and construction of streets.

SECTION 14. Chapter 6 of said act is amended by adding thereto at the end of said chapter the following: Section 12. On petition of a majority of the owners of lands fronting upon any part of any street, the common council shall have power to order the construction

and paving of surface gutters on such part of street and prescribe the material and manner of construction thereof, and in case any such owner shall fail to construct the same as prescribed by the common council within thirty days after notice of such order, the same may be done by the city, and in such case the cost and expense thereof shall be a special tax upon such lands fronting thereon, and the amount of such cost and expense shall be inserted in the general tax roll next thereafter against the description of such lands, and shall be collected therewith.

All lots or pieces of land may be numbered.

SECTION 15. Section 1 of chapter 10 of said act is amended so as to read as follows: Section 1. The common council of said city shall have authority to cause all lots or pieces of land in said city not described in numbered lots and blocks in the recorded plat thereof, or in any addition thereto, to be surveyed and numbered from one upward in each ward, which shall be known and described as outlots; the numbers and descriptions thereof may be recorded in the office of the register of deeds of the county in which the same shall be, and thereafter a description of any such land, or outlot by number, shall be as valid for all purposes as if the same had been described by metes and bounds, and any subsequent addition to said city, or subdivision of any outlot therein, may be numbered and recorded in the same manner and with like effect.

May appoint or remove officers.

SECTION 16. Section 3 of chapter 10 of said act is amended so as to read as follows: Section 3. The common council shall have power to appoint and at its pleasure to remove such officers and agents as it may deem necessary and expedient to carry out the provisions of this act and preserve the interests of the city, and may prescribe their duties and fix their compensation, and may require from any such officer or agent a bond for the faithful performance of his duties, and may also by ordinance prescribe penalties for any official malfeasance or misconduct of any officer or agent of said city.

When fiscal year shall begin.

SECTION 17. Section 16 of chapter 10 of said act is amended so as to read as follows: Section 16. The fiscal year of said city shall begin on the twentieth day of March in each year, and it shall be the duty of the common council at the close of each fiscal year to prepare and cause to be published or posted as is herein provided, at or before the ensuing municipal election a financial statement for the fiscal year last past, showing the receipts and disbursements of the city treasurer,

the numbers and amounts of all orders drawn thereon, to whom payable, and for what purpose the same were drawn. It shall also be the duty of the common council to cause its proceedings to be published each month, provided that if said common council shall fail to contract for the publication of such financial statement and council proceedings at such price as said common council shall deem to be reasonable and proper, said common council may at its option, in lieu of the publication of such proceedings and statement cause a written copy of such financial statement to be posted in each voting place at said city during the time the muncipal election for such year is being held.

SECTION 18. Section 17 of chapter 10 of said act is amended by adding thereto at the end of such section the following words; provided, that in case the successor of any such officer shall not have been elected or appointed, such delivery shall be made to the city clerk.

Repealed.

SECTION 19. Section 15 of chapter 5 of chapter 195 the laws of 1878, and sections 10 and 11 of chapter 180 of the laws of 1879, amendatory of said act, and all parts of either of said acts conflicting with the provisions of this act are hereby repealed.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

[No. 119, S.] [Published March 17, 1882.]

CHAPTER 92.

AN ACT to amend, revise and consolidate the charter of the city of Lancaster.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CORPORATE POWERS.

Corporate powers.

SECTION 1. All that district of country in the county of Grant hereinafter described shall be a city by the name of Lancaster, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation, by the name of the city of Lancaster, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; and shall be capable of contracting and being contracted with; su-

ing and being sued; pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

BOUNDARIES.

SECTION 2. All the territory within Grant county described as follows, to-wit: all of section three, the west half of section two, the north half of section ten, and the northwest quarter of section eleven, of town four north, range three west of the fourth principal meridian, shall be included in and constitute the city of Lancaster. Boundaries.

GOVERNMENT.

SECTION 3. The government of said city and the exercise of its corporate powers and management of its financial, prudential and municipal concerns shall be vested in a mayor and four aldermen, who shall be denominated the common council, and such other officers as are hereinafter provided for. All officers must be residents of said city. Government.

SECTION 4. The elective officers of said city shall be one mayor, four aldermen, one justice of the peace, and one supervisor to represent the city in the county board of supervisors, and shall until otherwise provided be elected by the city at large. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council; and it shall be the duty of the common council, at its first meeting after the annual election in each year, or as soon thereafter as may be, to appoint a city clerk, a city treasurer, a city marshal, a city attorney, and a street commissioner, and may from time to time appoint such other officers as are hereafter provided for, or as the common council shall ordain. All officers of the corporation, except justices of the peace, unless otherwise provided, shall hold their respective offices for one year, and until their successors are elected or appointed and qualified. Said justice of the peace shall hold his office for the term of two years from and after the first Monday in May succeeding his election. Such justice of the peace shall be chosen at the first election under this act, and biennially thereafter. All other elective officers of said city shall be elected annually. Elective officers.

ELECTIONS.

SECTION 5. The annual election for city officers shall be held on the third Tuesday in March each year, and at such place in the city as the common council Elections.

shall designate, and the polls shall be opened at one o'clock in the afternoon and kept open until sundown of the same day; notice shall be given by the city clerk by publication in some newspaper in said city, or by posting written or printed notices in at least three public places in said city, at least ten days previous to the holding of any election, of the time and place at which the same will be held, and of the officers to be elected thereat.

Electors.

SECTION 6. All qualified electors for state and county officers shall be entitled to vote at any election in said city held in pursuance to this act; provided, that no person shall vote at any such election unless he be an actual resident of the city at the time he offers his vote.

Ballot.

SECTION 7. All elections by the people shall be by ballot, and a plurality shall constitute an election; the vote for all elective officers shall be on one ballot, and shall be deposited in one ballot box. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by lot in the presence of the common council, and at such time and in such manner as it shall direct.

Inspectors of election.

SECTION 8. The common council, or a quorum thereof, shall act as inspectors of such election; and in case of the absence of a quorum of such common council the electors present at the time for the opening of the polls may appoint from the electors a sufficient number to make, with the members of the council present, three inspectors. The city clerk shall be the clerk of such elections, and in his absence the inspectors may appoint a clerk. The inspectors and clerk shall take and subscribe the usual oath as prescribed by the laws of this state for inspectors and clerks of election; and the inspectors shall exercise all the powers and perform all the duties prescribed for inspectors of election by the general statues. And the elections shall be held and conducted and the votes canvassed in the same manner and under the same penalties as provided by the laws of this state in respect to elections, and returns thereof shall be made by the inspectors in the same manner as is required for returns of the election of town officers; and when completed, shall be delivered to the city clerk to be filed in his office, and the clerk shall, within five days thereafter, give to each person elected a notice of his election, except in cases of persons voting at such election.

Clerk of elections.

SECTION 9. Special elections to fill vacancies or for any other purpose authorized by law, shall be held and conducted in the same manner as is provided for the annual elections, and may be ordered by the common council, or may be called by a request being made to the city clerk in writing, signed by twelve qualified electors of said city, specifying in such request the purpose for which such election is to be held. And in either such case the city clerk shall give notice of such election, specifying particularly the purpose for which the same is to be held, giving at least ten days' notice of the time and place at which such election will be held. Special elections to fill vacancies.

REMOVALS, RESIGNATIONS AND VACANCIES.

SECTION 10. The common council shall have power to remove, for cause, any officer or agent appointed by them, reasonable notice being first given to such officer or agent, and an opportunity afforded him to make a defense; and the mayor shall have the power to suspend any such officer or agent complained of, until the case be heard and disposed of by the common council, and may fill any vacancy so created for the time being. Removals.

SECTION 11. Removals of any of the elective officers of said city may be made by the judge of the circuit court for like causes and in the same manner as provided in the general statutes for the removal of town and other officers by circuit judges; provided, that the notice required to be served in such case shall be served upon the officer complained of, not less than ten nor more than thirty days before the time fixed for the hearing. By whom made.

SECTION 12. The resignation of any officer of said city may be accepted by the common council, and when so accepted such office shall be deemed vacant. Any officer removing from said city, or any officer who shall refuse, for ten days after his election and appointment, to qualify and enter upon the discharge of his duties, shall be deemed to have vacated his office, and such vacancy shall be filled as hereinafter provided. A vacancy in any elective office of said city, may be filled by appointment by the common council, and in any other office shall be filled by appointment. Any person elected or appointed to fill a vacancy shall hold his office for the unexpired term, and until his successor is elected or appointed or qualified. Resignations.

OFFICERS—QUALIFICATIONS, POWERS AND DUTIES.

Qualifications and powers of officers.

SECTION 13. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this state, and file the same with the city clerk. The treasurer, city marshal, street commissioner, and such other officers as the common council may direct, shall, before entering upon the duties of their offices, execute to the city of Lancaster a bond in such sum and with such conditions as the common council shall direct, with two or more sufficient sureties, to be approved by the common council; and the common council may, from time to time, require new and additional bonds from any such officer; and a refusal or neglect to give the same shall be sufficient cause for removing any such officer.

Bonds shall be filed.

SECTION 14. All official bonds executed to the city of Lancaster, except that of the city clerk, shall be filed and safely kept by the city clerk, and shall be recorded by the clerk in a book provided for that purpose; the bond of the city clerk if any be required, shall be filed with the treasurer. The justice of the peace shall qualify as required by the general laws of the state, except that his official bonds shall be approved by the mayor.

Mayor shall preside.

SECTION 15. The mayor shall preside over the meetings of the common council, and shall vote in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and when, in his judgment, occasion requires, he may appoint as many temporary special policeman as shall be necessary.

Common council shall chose president.

SECTION 16. The common council shall, at its first meeting for organization after the annual election in each year, or as soon thereafter as may be, choose by ballot from its number a president, who, in the absence of the mayor, shall preside over the meetings of the common council, and in case of the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor, for the time being. In case of the absence of both the mayor and president at any meeting of the

common council, the council may choose from its number a president pro tem, who, for the time being, shall discharge all the duties of the mayor. The president or president pro tem, while presiding over the common council, or performing the duties of mayor, shall be styled the acting mayor, and his acts shall have the same validity and force as if done by the mayor.

CITY CLERK.

SECTION 17. The city clerk shall keep the corporate seal and all the papers and records of the city, and shall attend the meetings of the common council, and keep full minutes of its proceedings and enter the same of record; and shall keep a faithful record of all the doings and votes of the inhabitants of said city, at their annual and other legal meetings. The records kept by the clerk shall be evidence in all legal proceedings, and copies of any ordinance, rule, regulation or by-law of said city, and of any and all books, papers, instruments or documents, and all indorsements thereon, filed and kept in his office, and transcripts from the records in his office, duly certified by him under the corporate seal of the city, shall be evidence in all courts of the contents of the same, in like manner as the originals; and excerpts from any such records or papers, so certified, shall in like manner be evidence of the particular matter to which they relate. The clerk shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep an accurate account thereof in a book provided for that purpose; he shall also keep an accurate account with the treasurer and charge him with all moneys paid into the treasury. He shall draw and countersign all licenses granted by the common council. He shall be the custodian of all election returns, and of the oaths and bonds of such officers as are required to file the same in his office, and immediately upon the election or appointment and qualifying of any officer elected or appointed in said city, he shall certify the same to the clerk of the circuit court of Grant county, under his hand and the corporate seal of said city, and in like manner shall certify to the county clerk of Grant county the election and qualifying of the supervisors that may be elected to represent said city in the county board of supervisors. Such certificates shall be filed by the clerk of the court and county clerk respectively, and shall be evidence of the election and qualifying of such officers. He shall perform such other duties as are incident to his office or

Duties of clerk.

as may be required of him by the common council, or provided for by any statute. He shall receive such compensation for his services as shall be fixed by the common council or as may be agreed upon. The clerk shall have authority to administer oaths and affirmations. Whenever he shall be absent, or from any cause be unable to perform the duties of his office, the common council may appoint a clerk pro tem., who for the time being shall be vested with the powers and duties of the clerk.

Supervisor.

SECTION 18. The supervisor shall represent the city in the county board, and perform the duties required of him by law as a member thereof.

Duties of city attorney.

SECTION 19. The city attorney shall conduct the law business of the corporation, but the council may, when necessary, provide assistance or employ such council as it may deem expedient. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. He shall keep a docket of all cases to which the city may be a party, in any court, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city and shall at all times be open to the inspection of the mayor or any member or committe of the common council. It shall also be the duty of the city attorney when required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances and other instruments in writing necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon for services rendered.

STREET COMMISSIONER.

Duties of street commissioner.

SECTION 20. The street commissioner shall see that all ordinances of the city relating to the obstructing and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers and water-courses in said city, are duly observed and kept. He shall have the general supervision of all work for the making, grading, paving, graveling, planking, repairing and cleaning of streets, sidewalks, bridges, alleys, public grounds, reservoirs, sewers and gutters, whether let by contract or otherwise unless the common council shall otherwise direct. He shall receive such compensation as the common council shall determine, not exceeding two dollars per day for the time actually employed.

CITY SURVEYOR.

SECTION 21. The common council may whenever in its opinion it shall be necessary, appoint a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within the city, and the common council shall prescribe his duties and fix his compensation. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be recorded by him in a book provided and kept for that purpose, open to the inspection of all persons interested, and shall be kept by the city clerk. Duties of city surveyor.

JUSTICE OF THE PEACE.

SECTION 22. The justice of the peace elected under this act shall have the same jurisdiction and powers and perform all the duties of justices of the peace in towns, as provided by the general statutes of this state. Justice of the peace.

CITY TREASURER.

SECTION 23. The treasurer of said city shall perform all such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in a suitable book to be provided for that purpose and in such manner as the common council shall direct and shall make a report in writing to the common council of the receipts and expenditures and present condition of the treasury as often as the council shall require, and on the second Tuesday in March in each year shall file in the office of the city clerk a statement showing in detail the receipts and disbursements for the preceding year, and the condition of the treasury at the date of the report. He shall receive such compensation for his services as the common council shall by resolution determine. Duties of city treasurer.

CITY MARSHAL.

SECTION 24. The city marshal shall attend the meetings of the common council when requested and shall perform such duties as shall be prescribed by the common council for the preservation of the peace, and the collection of license moneys and fines, and shall receive such compensation as the common council may determine. He shall possess all the powers of a constable within the city limits and be subject to the same Duties of city marshal.

liabilities. He shall execute and return all writs and processes to him directed, and when necessary in criminal cases or for the violation of any of the ordinances of the city or the laws of this state may pursue the offender and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace. and cause to be abated all nuisances in said city. He shall apprehend all persons in the act of committing any offense against any law of this state or violating any ordinance of said city, and within reasonable time, bring such persons before competent authority for examination, and for such services he shall receive such fees as are allowed by law to constables for like services. He shall see that all peddlers, hawkers, auctioneers, common showmen and all other exhibitors or other persons pursuing any business or occupation subject to license under the laws of this state and the ordinances of the city are duly licensed, and to prosecute in the name of the city all persons pursuing such business without license or otherwise violating the laws or ordinances in respect thereto and shall see that all ordinances of said city are duly observed and enforced.

PEACE OFFICERS.

Peace officers.

SECTION 25. The mayor, acting mayor, sheriff of Grant county, each and every alderman, justice of the peace, under sheriff and deputy sheriff of Grant county, the city marshal, any policeman or watchman of said city, and each and every constable of the town of Lancaster shall be officers of the peace and may command the peace, and suppress in a summary manner all rioting or disorderly behavior within said city; and, for such purpose, may command the assistance of all bystanders, and, if need be, all citizens; and if any person shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay to said city a sum not less than ten dollars nor more than one hundred dollars. Any peace officer may, and it shall be the duty of the city marshal to arrest, without process, any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity, boisterous or disorderly conduct in the streets or public or business places in said city, or on request of the occupant, on any private premises in said city, or any person in the act of committing any larceny, felony, or breach of the peace, and take such persons forthwith before a justice of the peace in said city or keep

them in confinement until they become sober, or until such time as the justice can reasonably hear and dispose of such offender, and when necessary in the discharge of such duty may call to his assistance any citizen or bystander, and any person refusing to assist when so requested shall be punished as provided in the ordinances of said city.

COMMON COUNCIL.

Duties of common council.

SECTION 26. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix their compensation; and shall have power to dismiss any officer appointed by them under the provisions of this section, at any time when in its judgment the services of such officer are no longer necessary.

SECTION 27. Every person having held any office in said city shall, at the expiration of his term, or upon his resignation or removal from office, on demand, deliver to his successor all the books and papers in his custody as such officer, or any property or thing in any way appertaining to his office; or if he have no successor he shall deliver the same to the city clerk or such other custodian as the common council may appoint; and any such person who shall neglect or refuse for ten days after due demand to comply with the provisions of this section, shall forfeit and pay to the use of the city not less than twenty-five dollars nor more than one hundred dollars, and shall in addition be liable to said city for all damages caused by such neglect or refusal, to be sued for and recovered in a separate action; and such successor or other lawful custodian aforesaid may recover the possession of such books, papers, property and effects in the manner prescribed by the laws of this state.

What constitutes a quorum.

SECTION 28. A majority of the common council shall constitute a quorum for the transacting of business; and the style of all ordinances shall be: "The common council of the city of Lancaster do ordain as follows:" The common council shall hold stated meetings at such times and places as it shall appoint; and special meetings may be appointed by a resolution passed at any stated meeting, a quorum being present, or may be called by the mayor or any two aldermen by a notice thereof in writing to be served

upon each member personally or by a copy left at his usual place of abo le, at least six hours before the time of such meeting; but the presence of any member at the meeting without such notice shall be deemed a waiver of notice on his part. The common council shall determine the rules of its own government and proceedings, and shall have power to preserve order, and compel the attendance of members and other officers, when necessary at its meetings, and may adopt such by-laws for its government as it shall deem necessary or expedient. Its meetings shall be open to the public, and its books, papers and records may at all reasonable hours be examined in the presence of the clerk.

POWERS.

Powers of council.

SECTION 29. The common council shall have the management and control of the finances, and of all property of the city, and shall, in addition to all other powers herein vested in the said common council, have full power and authority to make, ordain, enact, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the city of Lancaster, for the suppression of vice, the prevention of crime, and for the benefit of trade, commerce and health thereof, and for carrying into effect the powers vested in the said common council, as it shall deem expedient; and to declare and impose penalties, fines or forfeitures, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by laws and regulations; and such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law; provided, they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes the common council shall have exclusive power and authority within said city, by ordinance, resolution or by-law:

Regulating groceries, grant licenses, etc.

1st. To regulate groceries, taverns, victualing houses, saloons, gardens and all other places within said city where wine, beer or cider, or acoholic, malt, ardent, spirituous, vinous, fermented or intoxicating liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing houses, or other houses or places for the dealing in, selling or giving away wine, beer or cider, or alcoho ic, spirituous, vinous, fermented, malt, ardent or intoxicating liquors, and to regulate and de-

termine the amount to be paid for such licenses, and to restrain or prohibit any person from vending, giving away or dealing in wine, beer or cider, or alcoholic, spirituous, vinous, fermented, malt, ardent or intoxicating liquors unles duly licensed by authority of the common council; provided, that the amount charged for such license shall in no case be less than one hundred and fifty dollars nor more than three hundred dollars per annum, and any license for the sale of such liquors not to be drank on the premises shall not be less than forty dollars, except license to keepers of drug stores, which shall not be less than twenty dollars. Such licenses shall not be granted for a longer term than one year, and shall run from the first day of May; provided, however, that when any such license is applied for and granted after that date, the same may be granted to expire on the first day of May following, on the applicant paying pro rata therefor; and the common council may exercise all such further powers for regulating and restraining the sale of such liquors as are conferred by the general statutes in respect thereto.

Licenses to revoke the same.

2d. To revoke the license of any saloon keeper in said city who shall sell, give away or otherwise dispose of wine, beer, or cider or alcoholic, spirituous, vinous, fermented, malt, ardent or intoxicating liquors, to a minor or to a prohibited person, or to any person on any election day, or on Sunday or on any day after 10 o'clock P. M., or who shall violate any law, regulation or ordinance or who shall permit a minor to play at cards or participate in any other game on his premises.

License of all kinds.

3d. To license, tax, regulate, suppress or prohibit billiard or other ball tables, pool or bagatelle tables, nine or ten pin alleys, bowling saloons and ball alleys.

4th. To license, tax, regulate, suppress and prohibit all exhibitions of common showmen, shows of any and every kind, exhibition of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Prohibit gambling, etc.

5th. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, and to prohibit the playing of any games whatever for drinks or treats of any kind in places where intoxicating drinks are sold, and to order and authorize the seizure and destruction of all implements used for the purpose of gaming.

Prevent riot.

6th. To prevent any riot, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame.

Cleanse nauseous places.

7th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Regulate breweries, etc.

8th. To direct the location and management of, and regulate breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit, within the city limits, and the distance of two miles therefrom, distilleries, slaughter houses, establishments for steaming or rendering lard, tallow, offal and such other substances as may or can be rendered, and all establishments or places where any nauseous or unwholesome business may be carried on.

Encumbering streets.

9th. To prevent the encumbering of streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, sleds or any other vehicles, boxes, lumber, wood or any other materials or substances whatever.

Horse racing.

10th. To prevent horse racing, and immoderate riding or driving in the streets, and to authorize any person to stop any person or persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel all persons to fasten their horses, oxen or other animals attached to vehicles, or otherwise, while standing or remaining in any street, alley or public ground within the city.

Gunpowder.

11th. To license, regulate and restrain the keeping, removal, conveying, vending and storage of gunpowder and other explosives, combustible and dangerous materials.

Bathing and swimming.

12th. To regulate and determine the time and places of bathing and swimming in the waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Restrain cattle.

13th. To restrain, regulate or prohibit the running at large of cattle, horses, mules, asses, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings; and also to impose penalties on the owners of any such animals, and to collect the same for a violation of any ordinance in relation thereto.

14th. To prevent the stabling, standing, use or exhibition of any stallion or jack within specified limits in said city. Stallions.

15th. To regulate and license the keeping and to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances. Dogs.

16th. To require the owner or person in charge of any animal dying within the city to remove the same, and to prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or any unwholesome substances of any kind, and on default, to authorize the removal thereof at the expense of such person or persons. Dead animals.

17th. To make and establish public pounds, pumps, wells, cisterns and reservoirs and to regulate the use of the same, and to provide for the erection of water works for the supply of water to the inhabitants of the city, and to prevent the unnecessary waste of water. Public pounds.

18th. To erect lamps and regulate the lighting thereof, and to provide for lighting streets, public grounds and buildings with gas or otherwise. Lighting streets.

19th. To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen, and all others who may pursue like occupations in said city, and to prescribe their compensation. Regulate runners.

20th. To restrain and regulate runners and solicitors for cars, railroads, stages, public houses or other establishments. Solicitors for hotels, etc.

21st. To establish and regulate boards of health, and define their powers and duties. Boards of health.

22d. To provide hospital and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and exempt burial grounds set apart for public use from taxation. Cemetery grounds.

23d. To erect or establish one or more pest houses, hospitals and dispensaries, and to control and regulate the same. Pest houses.

24th. To regulate, control and prevent the landing or bringing into the city by railroad cars or otherwise of persons sick or infected with contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city, and also to make regulations to prevent the introduction of contagious or infectious diseases into the city, or their Infectious diseases.

spread therein, and to make quarantine laws and regulations, and to enforce the same within the city and not exceeding two miles beyond the city limits.

Removal of nuisances.

25th. To abate and remove all nuisances under the ordinances, the laws of the state or at common law, and to punish the authors thereof by penalties, forfeitures, fines and imprisonment, and to define and to declare what shall be deemed nuisances and to authorize and direct the summary abatement thereof.

Public markets.

26th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Riding on sidewalks.

27th. To prevent all persons riding, driving, or leading any horse, ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Shooting off firearms.

28th. To prevent the shooting or discharging of firearms or firecrackers, squibs or torpedoes, and to prevent the exhibition of fireworks in any situation which may be considered by the common council dangerous to the city or any inhabitant or property therein, or annoying to the citizens thereof.

Punish vagrants.

29th. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Regulate butchers.

30th. To regulate and license butchers, butchers' shops and meat markets, and to regulate, license and restrain the sale of any goods, wares, merchandise, game, poultry, fresh meat, vegetables, fish, butter, eggs and other provisions, in the streets and other public grounds of the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Selling hay, fuel, etc.

31st. To regulate the place and manner of weighing and selling hay, produce and live stock, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

Remove snow, dirt.

32d. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to

authorize the removal or destruction thereof at the expense of such owner or occupants.

33d. To appoint watchmen and policemen, and to establish and regulate the police of the city, and prescribe their duties. **Appoint watchmen, policemen.**

34th. To regulate the times, places and manner of holding public auctions and public sales of any kind, and to prescribe license therefor, and to tax, license and regulate auctioneers, distillers, brewers and pawnbrokers; and to tax, license, regulate, restrain or prohibit hawkers and peddlers, gift book stores, gift concerts, and any other gift enterprise. **Public auctions.**

35th. To protect monuments in the city, and to direct and regulate the planting and preservation of trees in the streets and public grounds. **Protect monuments.**

36th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. **Weights and measures.**

37th. To provide for and regulate the construction of gutters and sewers within said city. **Gutters and sewers.**

38th. To lay out, open, change, widen or extend streets, lanes, alleys, gutters, sewers, parks, squares or other public grounds, and to grade, pave, improve, repair or discontinue the same or any part thereof, or to establish and open drains, or alter, widen or straighten water courses in the manner provided by this act; and to make, alter, widen, renew or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks, as provided by this act and the ordinances of said city. **Lay out and extend parks.**

39th. To purchase, build or lease and maintain a watch house or place for the confinement of offenders against the ordinances and by-laws, and for temporary detention of suspected persons. **Watch house.**

40th. To receive, purchase and hold for the use of the city, any estate, real or personal, to sell and convey the same, and to insure any property of the city against loss or damage by fire, lightning, wind or hail. **Purchase real estate.**

41st. To levy and provide for the collection of taxes and assessments, audit claims and demands against the city, and direct orders to issue therefor; to refund or remit any tax or special assessment or any part thereof, when satisfied that the same is unjust or illegal. **Collection of taxes.**

42d. To establish a fire department and to appoint the officers and members thereof, and prescribe and regulate their duties, to provide protection from fire by the purchase of fire engines and all the necessary apparatus for the extinguishment of fires, and by the **Establish fire department.**

erection or construction of pumps, water mains, cisterns, reservoirs or other water works. To erect engine houses; to compel the inhabitants of the city to aid in the extinguishment of fires and to pull down and raze such buildings in the vicinity of a fire as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits, or limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale: and after reasonable notice to such owner or occupant, and refusal or neglect to him, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in said city; to require the construction of safe places for the deposit of ashes, and prohibit the depositing of the same in other than such places; to regulate the putting up of stove pipes and the construction and cleaning of chimneys; to appoint fire wardens, and to authorize them at all reasonable times to enter into and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition, and generally to establish such reasonable measures for the prevention or extinguishment of fires as may be necessary and proper.

Re-number lots and blocks.

43d. To re-number the lots and blocks of the city or any part thereof, and to cause a revised and consolidated plat of the same to be made and recorded in the office of the register of deeds.

Combustible materials.

44th. To regulate or prohibit the keeping of any lumber yard, hay, straw, or fodder, and the placing, piling, stacking or selling of lumber, hay, straw, fodder, wood or other combustible material within the limits of the city.

Inspection of fire engines.

45th. To provide for the inspection and regulation of stationary steam engines and boilers.

Imprisonment of vagrants.

46th. To authorize the arrest, fine and imprisonment as vagrants, of all persons who, not having visible means to maintain themselves, and without employment, are found idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute or gambling houses, or

who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares, or public places, to beg or receive alms, also keepers, exhibitors or visitors at any gaming table or gambling house, and all persons who go about for the purpose of gaming, or who shall have in their possession any article, implement or thing used for obtaining money under false pretenses, or who shall disturb any concert, theater or other public entertainment, assembly or place where public or private schools are held, either week day or Sunday, or places where religious worship is held.

Carrying firearms.

47th. To regulate or prohibit the carrying or wearing by any person under his clothing or concealed on his person, of any pistol, sling-shot or knuckles, bowie knife, dirk knife, or dirk or dagger or any other dangerous or deadly weapon, and to provide for the confiscation and sale of any such weapons.

Amend and repeal ordinance.

48th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, which may be necessary or expedient to carry into effect, the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city by any ordinance, regulation, resolution or by-law thereof.

Laws and ordinances.

SECTION 30. All laws, ordinances, regulations, resolutions and by-laws shall be passed by the affirmative vote of the common council of said city, and shall be approved by the mayor, and before going into effect shall be published at least once in some newspaper published in said city, or posted in three public places in said city; and within fifteen days thereafter they shall be recorded by the city clerk in a book provided for that purpose; but before any of the said laws, ordinances, regulations, resolutions or by-laws, shall be recorded, the publication thereof shall be proved by the affidavit of the publisher or foreman of such newspaper, or by the affidavit in writing of the officer or person posting the same, which affidavit shall be recorded therewith, and at all times and in all courts and places such record shall be deemed and taken as evidence of the passage and publication or posting of such ordinance, resolution, regulation or by-law. Such record of such law, ordinance, regulation, resolution or by-law or a copy of such record, certified by the city clerk

under the seal of the city, or a newspaper, or any printed book or pamphlet containing the same, purporting to have been published by authority of the common council, shall be *prima facie* evidence of the due passage and publication or posting of such law, ordinance, regulation, resolution or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without the affirmative vote of a majority of the common council elect, which vote shall be taken by ayes and noes and duly entered of record.

Shall not bar or hinder suits.

SECTION 31. The powers conferred upon the said common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses, or buildings of any kind wherein nitroglycerine, or more than ten pounds of gunpowder or other explosives are deposited, stored or kept at any one time, gambling houses or houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous, fermented, malt, ardent, or intoxicating liquors are sold without the license required therefor within the limits of the city, are hereby declared and shall be deemed public or common nuisances

Shall examine and audit accounts.

SECTION 32. On the second Tuesday in March of each year, the common council shall examine, audit and adjust the accounts of all officers of the city, and make a record of all adjustments and settlements, and shall audit and adjust all other claims against the city, and shall cause to be prepared and read at the annual election a true, detailed and itemized statement of the finances of the city, showing the amount in the treasury at the commencement of the year, when and from what sources all moneys paid into the treasury during the preceding year were derived and the whole amount thereof, and when, and to whom, and for what purpose all money paid from the treasury during the same period was paid, and the whole amount thereof, with the balance then in the treasury; which statement shall be recorded in the minute book and filed in the clerk's office, and may be published in a newspaper in the city when ordered by the common council.

AUDITING ACCOUNTS.

Auditing accounts.

SECTION 33. No account or demand against the city shall be paid until it has been audited and allowed, and an order drawn on the treasury therefor. Every

such account shall be made out by items and verified by affidavit indorsed or annexed, that the same is just, true and c rrect, and no part thereof paid (or if paid in part, except as therein stated). When an account shall have been audited, the clerk shall indorse on each account the word "allowed" or "disallowed" as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the council shall show to whom and for what purpose every such account was allowed, and the amount. Every such account, allowed in whole or in part, shall, with the affidavit thereto, be filed with the clerk, and those of each year consecutively numbered, and have indorsed the number of the order issued in payment therefor; and the clerk shall take receipts for such orders.

Cannot borrow money without authority.

SECTION 34. Neither the common council nor any officer of the city shall issue any time or negotiable order or borrow any money except in the manner and for the purposes expressly declared by statute or this act; but the common council may, in temporary necessity, by unanimous vote of the council, and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one per centum upon the assessed valuation of the property in said city according to the last assessment, and may give orders on the treasury, payable at a future date, therefor, with or without interest; but no such order shall be made payable at a later date than the first day of March following the date of issue of such order; and for the payment of any such order the city tax for the same year or a sufficient amount thereof shall stand irrevocably pledged.

SURVEYS, AND LAYING OUT STREETS, ALLEYS, ETC.

Surveying and laying out of streets.

SECTION 35. The common council is hereby invested with full power and authority to survey, ascertain, establish and determine the lines, boundaries, widths and dimensions of all streets, highways, alleys, lanes and public grounds in said city.

Prepare a map.

SECTION 36. The common council of said city may at any time cause to be prepared for the use of said city from the recorded maps and plats of said city and the several additions thereto, an accurate map of said city and of the streets, alleys, lots, blocks and public grounds thereof.

Shall be recorded.

SECTION 37. The surveys, landmarks and plats so made and established and recorded shall be conclusive

evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds and blocks, in all cases in which they shall be drawn into controversy in all courts of this state, and shall be prima facie evidence of the lines and boundaries of all lots and tracts of land owned by individuals.

Establish grade.

SECTION 38. The common council shall, at such time as it may deem proper, establish the grade of all streets, alleys and sidewalks in said city, and shall cause accurate profiles thereof to be made, which shall be filed with the city clerk.

May widen or alter water courses.

SECTION 39. Whenever the common council shall intend to lay out and open, change, widen or extend any street, lane, alley, public grounds, square or other place, or to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water courses within the city, and it shall be necessary to take private property therefor, it shall cause an accurate survey and plat thereof to be made and filed with the clerk, and it may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the city for such use in fee, if a suitable agreement can be made with such owners, but otherwise it shall by resolution declare its purpose to take the same, and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by each distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, hour and place when and where it will apply to the county judge, or to a justice of the peace, residing in said city, for a jury to condemn and appraise the same.

Clerk shall make a notice.

SECTION 40. It shall thereupon cause to be made by the clerk a notice of the adoption of such resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the judge or justice named, for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served one week before the time fixed therein for such application, by the marshal or any constable, or the sheriff of the county, on the owner of each such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evi-

dence of the facts therein stated. If the notice cannot be given as to all the parcels, then the same shall also be published once in each week, for three successive weeks, in a newspaper published in said city, and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. If any person so served with notice be a minor or of unsound mind, the judge or justice before proceeding shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

Mode of procedure.

SECTION 41. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice, as provided in the preceding section, shall be filed with the judge or justice, who shall thereupon make a list of twenty-four competent jurors, not interested; but no person shall be disqualified by reason of residence in the city. Such judge or justice shall hear and decide any challenges for cause or favor, made to any one, and if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under the direction of such magistrate, each party, the common council or its representatives on the one side, and the owners of the lands or their agents present, or if none be present, or they disagree, or refuse to act, a disinterested person appointed by the judge or justice on the other, shall challenge six names, one at a time, alternately, the common council or its representative beginning. To the twelve jurors remaining, such judge or justice shall issue a precept requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn to serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the marshal or any constable or the sheriff at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy thereof at his usual place of abode, in the presence of a member of his family.

When the jurors shall appear.

SECTION 42. The jurors summoned shall appear at the time and place named; and if any be excused by the judge or justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The magis-

trate shall then administer to them an oath that they will well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury shall view the lands.

SECTION 43. Under the direction of such magistrate the jury shall view the lands to be taken, and shall there sit before him to hear such competent evidence as shall be produced by any party; and for such purpose such magistrate shall possess the same powers as a court in session, with a jury, and if there be necessity may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by them, in which it shall find whether it be necessary to take such lands, or any part thereof, for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damages of each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof; in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the assent of the jury, and it shall be thereupon discharged, and its verdict filed with the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected, summoned and sworn, and shall proceed in the same manner.

Appeal may be taken in ten days.

SECTION 44. Within ten days after such verdict, any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, and the city may likewise appeal from the award of damages to any owner, by filing with such magistrate or county judge, a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part what part thereof, and therewith an undertaking with two sufficient sureties to be approved by the magistrate or county judge, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for his return thereof, together with one dollar for state tax. Any party not so appealing shall be forever concluded by such verdict or appraise-

ment. Upon an appeal being taken, the magistrate or county judge shall transmit to the clerk of the circuit court within ten days, the notice of appeal and undertaking, and thereto annexed a copy of all papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers, including the verdict, with the copy of any docket entries made by him of the proceedings, with a certificate by him thereof, and that no appeal has been taken, except as the facts are, which he shall briefly specify, and the clerk shall file such papers and record such proceedings.

Appeal shall be considered an action.

SECTION 45. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury, unless waived by the parties: and costs shall be awarded against the appellant, if a more favorable verdict be not obtained; otherwise against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to to the city clerk.

Owner to be paid damages in full.

SECTION 46. If the verdict of the jury first found, find it necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out, changing, widening or extending and opening any such street, lane, alley, public ground, square, or other public place, or constructing and opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such water course, but shall not enter upon any such land therefor, until the owner be paid in full the damages awarded him by such verdict or appraisement, or such damages be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him be deposited with the clerk, to permanently remain subject to his order. At any time before causing any such land to be actually taken, or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when they recover costs in the circuit court.

Council may levy any part of expenses as tax.

SECTION 47. For the purpose of paying the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the common council may by resolution levy and assess the whole or any part of such expenses as a tax upon such property as it shall determine is especially benefited thereby, making therein a list of such property, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and clerk shall be published once in each week for two weeks in a newspaper printed in said city, or three copies thereof shall be posted by the clerk in three public places in the city, and a notice therewith, that at a certain time therein stated the common council will meet at its usual place of meeting, and hear all objections which may be made to such assessment or any part thereof. At the time so fixed, the common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, not more than three days, and may by resolution modify such assessment in whole or in part, at any time before the first day of November next thereafter, and party liable may pay any such tax to the city treasurer. On such first day of November, if any such tax remains unpaid, the clerk shall certify a copy of such resolution to the town clerk of the town of Lancaster, with a certificate to the city treasurer annexed, showing what taxes thereby levied remain unpaid; and the town clerk shall put the same, with five per centum thereon additional, upon the tax roll, in addition to and as part of all other city taxes therein levied on such land, to be collected therewith.

May discontinue street on petition.

SECTION 48. Upon the petition in writing of all the owners of lots or land on any street or alley in the city, and not otherwise, the common council, in its discretion, may discontinue such street or alley, or any part thereof. At least two weeks before acting on such petition, the common council shall cause a written or printed notice to be posted in three public places in the city, stating when and where it will meet to decide upon such petition, and what street or alley or part thereof is proposed to be vacated.

IMPROVEMENTS.

Improvements.

SECTION 49. The common council may cause any street or any part of any street, to be graded, paved,

macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor, in writing, signed by at least one-third of all the private owners of real estate bounding both sides, and of the private owners of at least one-third the frontage of such street or part of street to be improved; or order any sidewalk or gutter on one side of a street to be built, on the petition of one-third of such private owners, and the private owners of at least one-third the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair or rebuilt when necessary, without petition. For the purpose of so improving any street or building or repairing any sidewalk or gutter, the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof, where only such sidewalk or gutter is to be built, and upon the owners thereof, a tax sufficient to pay not exceeding one-fourth of the expense of constructing such improvement, as ordered, opposite such property to the center of the street, the remainder shall be paid from the city treasury, and the common council shall have authority to levy a sufficient tax to pay the same. Every such tax for repair or rebuilding shall be for the entire cost of repairs or rebuilding in front of the property so assessed. If any tax levied under this section prove insufficient to pay the cost or the proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency.

A list of persons taxable should be delivered to treasurer.

SECTION 50. Whenever the common council shall levy any such tax as specified in the preceding section, it shall make out and deliver to the city treasurer a list of the persons and a description of the property taxed, together with a warrant signed by the mayor and countersigned by the clerk, for the collection of said tax, and thereupon the city treasurer shall notify the persons named in such tax list personally, or in case of non-residents or persons not found, by publishing a notice two weeks in some newspaper published in said city, or by posting up notices in three or more public places in said city, and shall specify in such notice a time or times not less than twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list shall pay such taxes to said treasurer, who shall keep an accurate and separate account, to be furnished at any time, when required, for the inspection of the common council, of moneys re-

ceived and paid out under such warrant, and the names of persons receiving and paying the same. The expenditure of money so collected shall be under the direction of the common council.

Length of notice and procedure after notice.

SECTION 51. At the expiration of forty days from the date of said notice given by the city treasurer, he shall make out and deliver to the clerk of the town in which said city is situated, a certified list of the lots, pieces or tracts of land in said city upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of said lots or parcels of land; and if such list be returned to said town clerk before the completion of the tax roll of said town for the same year, the said clerk shall add said delinquent taxes to said tax roll, opposite to the description of the proper lots, pieces or parcels of land therein; and the said delinquent taxes shall be collected with and in the same manner as the town taxes. If such list shall be returned to the town clerk after the completion of the tax roll and before the town treasurer's return of delinquent taxes, he shall deliver said list to said treasurer, who shall collect the same with the other taxes in said city, and what remains uncollected of said taxes to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces or parcels of land aforesaid for such delinquent taxes; and all proceedings in relation thereto shall be the same in all respects as in the case of lands sold for other delinquent taxes. Every town treasurer or county treasurer who shall collect or receive any moneys on account of such delinquent taxes shall pay the same to the treasurer of said city, and take duplicate receipts therefor, and file one of said receipts with the clerk of his town or county.

Work done at expense of city.

SECTION 52. Whenever any lot or tract or parcel of ground shall have been returned delinquent for any such tax, as hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax, when collected.

Repairing sidewalks and gutters.

SECTION 53. Whenever the public convenience or safety shall require any sidewalk or gutter, in case of injury or defect, to be immediately repaired, and the cost of repair will not exceed ten dollars, the street commissioner may give written notice to the parties subject to tax for the repairs thereof, if known and residing in said city, and if unknown and not residents thereof, then may post written notices in three or more public places in said city, that unless such side-

walk or gutter therein to be specified, be repaired to the satisfaction of the street commissioner, within three days thereafter, he will repair the same at the expense of the property; and if the same be not in such time repaired, such commissioner shall so repair, and the cost shall be returned as a delinquent tax on such property, and the same shall be collected as other delinquent assessments, as hereinbefore provided.

HIGHWAY TAXES.

Highway taxes.

SECTION 54. The said city shall constitute one road district of the town of Lancaster, which shall be under the control of the common council, which shall possess all the powers and be subject to the liabilities as commissioners of highways in the several towns of this state. The street commisioner shall be ex-officio the overseer of highways in said district, and shall possess all the powers, discharge the duties, and be subject to the liabilities of an overseer of highways therein; and no other overseer of highways shall be elected for said district. The common council shall, on or before the first Monday in May in each year, assess the highway tax in said city for the ensuing year, and shall assess the same at not less than one nor more than seven mills on the dollar valuation of real and personal property in said city.

Duties of the city clerk in certain cases.

SECTION 55. The city clerk shall within three days after the passage of an order or resolution by the common council, assessing the highway tax in said city, make and file with the town clerk of the town of Lancaster a certified copy thereof, and thereupon it shall be the duty of the said town clerk to make out a tax list for said city, in the same manner as he is required to make such lists for the other road districts in said town, except that the amount thereof shall be as determined by the common council, as certified to him as aforesaid, without regard to the amount determined by the supervisors of said town for the other road districts therein; and when such list is completed, it shall be the duty of the supervisors of said town to annex thereto the usual warrant directed to the street commissioner of the city of Lancaster, and cause the same to be delivered to the street commissioner as soon thereafter as may be, not later than the third Monday in May, of the same year, and such taxes shall be expended under the direction of the common council wherever upon the streets and highways of said city, in its opinion, the same

shall be needed; provided, however, that the common council may by special order, allow or direct that such portion of the highway taxes assessed or collected as herein provided, not exceeding one third part thereof, be expended without the limits of said city, on any public highway leading therefrom. And of any appropriations made at any annual or special town meeting in the town of Lancaster for highways and bridges in said town, a just proportion shall be expended when necessary upon the highways and bridges of said town, situate within said city, and shall be so expended under the direction of the common council of said city, and the supervisors of said town may from time to time appropriate a reasonable sum therefrom for the necessary repairs of highways and bridges within said city, and cause the same to be paid into the city treasury to be so expended under the direction of the common council.

Provision for outstanding debts, etc.

SECTION 56. The common council shall have power, and it is hereby made its duty, in each year to levy and assess upon the taxable property in said city, such sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the city, if any, and its expenses for the current year, after applying the money derived from all other sources to such purpose, and no more; provided, that the tax for city expenses, exclusive of highway taxes and the money derived from all other sources, shall not exceed the sum of two thousand dollars in any one year. All resolutions or ordinances for the purpose of levying any tax shall require for their passage an affirmative vote of two-thirds of all the members elect of the common council, which vote shall be taken by ayes and nays and entered of record.

Levying taxes.

SECTION 57. All taxes levied and collected in said city for the purposes mentioned in the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of said city, as taxes for town, county and state purposes are levied and assessed.

Common council shall meet to determine amount of taxes to be raised.

SECTION 58. The common council of said city shall, on or before the first Monday of November in each year, by resolution to be entered on its records, determine the amount of such city taxes to be levied and assessed on the taxable property within the corporate limits of the city for the current year. And the city clerk shall thereupon on or before the third Monday of the same month of November in each year,

deliver to the town clerk of the town of Lancaster, in which said city is situated, a certified copy, under his hand and name, and the corporate seal of said city, of all resolutions of said common council determining the amount of taxes to be levied and assessed for the current year, together with a concise description of all unpaid certificates of indebtedness for special assessments provided for in this act, which may or shall be on file in his office at the date of his said certificate. Said certificate shall contain a description of the lots, pieces or parcels of land chargeable therewith.

How town clerk shall proceed in tax matters.

SECTION 59. The town clerk of the town in which said city is situated shall assess, apportion and carry out said city taxes pro rata according to the dollar valuation upon all the real and personal property liable therefor, in a column in the tax and assessment roll of his town next thereafter issued and delivered to the town treasurer of his town for collection in the same manner as he shall assess, apportion and carry out town, county and state taxes; and if for any reason such city taxes shall not be assessed, apportioned and carried out in said next assessment and tax roll as herein provided, it shall and may be assessed, apportioned, carried out and collected in that of any succeeding year. The said town clerk shall assess and carry out, in a separate column in the tax and assessment roll of his town in each year as aforesaid, all amounts so as aforesaid returned in each year by said city clerk as remaining unpaid for special assessments at the date of said certificate of said city clerk, opposite each lot, tract, piece or parcel of land properly chargeable therewith. The said city taxes and special assessments shall be in all respects collected or returned delinquent, in the same manner as town, county and state taxes are collected by law, and when collected shall be paid over by any officer collecting or receiving the same to the treasurer of said city. Any officer or other person who shall neglect or refuse, on demand, to pay over any such city taxes or special assessments, when collected or received by him in any manner, to the said city treasurer, shall be liable to an action therefor, with twenty per cent. damages to be added thereto, to be sued for and recovered in the corporate name of said city, both against such defaulting officer or other person and his sureties.

Duty of assessor.

SECTION 60. The town assessor of the town of Lancaster, in which said city is situated, in assessing the taxable property in his town in each year, shall assess

the taxable property, real and personal, within the corporate limits of the said city, in one continuous part of his assessment roll, and foot up the valuation of all items of property assessed and valued by him within said limits.

Taxes to remain a lien on property.

SECTION 61. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they are assessed from the time of the levy of the same, and on all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof until such tax is paid, and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property. All the general laws of this state which now or may hereafter be in force relative to the assessment and collection of taxes shall be in force in said city, as well as in regard to the special taxes and assessments herein provided for as to general taxes.

Only directory.

SECTION 62. All directions hereby given for the assessing of and levying and collecting of taxes and special assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same not affecting the substantial justice of the tax itself shall vitiate or in any wise affect the validity of the tax or assessment.

COLLECTION OF FINES AND FORFEITURES.

Fines and forfeitures.

SECTION 63. All fines, forfeitures and penalties imposed by any ordinance, resolution or by-law of said city, may be sued for and recovered in a civil action in the name of the city, without being required to give security for costs before any justice of the peace of Grant county, residing in said city; such action may be commenced either by summons or warrant and shall be prosecuted in the same manner as actions for tort before justices of the peace, and like process may be used and like proceedings shall be had as in other civil actions, and appeals may be taken to the circuit court in the same manner as from judgments in civil actions by justices of the peace, except that if taken by the defendant, he shall, as a part thereof, execute a bond to the city, with surety to be approved by the justice, conditioned that if judgment be affirmed in whole or in part, he will pay the same, and all costs and damages awarded against him on such appeal; and in case such

judgment shall be affirmed in whole or in part, execution may issue against both the defendant and his surety; and if the defendant be in custody, he shall be discharged upon the perfecting of such appeal.

What complaint may allege.

SECTION 64. In all cases mentioned in the next preceding section, it shall be sufficient if the complaint allege that the defendant is indebted to the plaintiff in the amount of the fine, penalty or forfeiture sued for, claiming the highest sum thereof, according to the provisions of such ordinance, resolution or by-law, specifying the same by section, chapter, title or otherwise, with sufficient plainness to identify the same, with a demand for judgment for the amount thereof, and if the action be commenced by warrant, the affidavit for such warrant shall be the complaint in the action.

Judgment.

SECTION 65. Judgment shall be given, if for the plaintiff, for the amount of fine, penalty or forfeiture fixed by such ordinance, resolution or by-law, or such part thereof, if a discretion be given, as the court shall deem proportionate to the offense, together with the cost of suit, and the court shall award execution according to the provisions of this act, and a plea of guilty shall be sufficient upon which to found a judgment.

May prosecute penalties.

SECTION 66. In all cases in relation to which, by the provisions of this act, the common council has power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding fifty dollars besides the costs of prosecution for any one offence in violation or non-observance thereof; and may also provide that in default of payment of any judgment, rendered for such violation or non-observance, the offender may be imprisoned for such term as it may by such ordinance, by-law, rule, regulation or resolution direct, not exceeding thirty days, for which purpose the said city shall have the use of the jail of the county in which the city is situate, for the imprisonment of any person liable to be imprisoned, and any prisoner so committed shall be under the charge of the sheriff of said county.

SECTION 67. Every execution issued upon a judgment for any violation of the provisions of this act, or for the violation or non-observance of any ordinance, by-law, rule, regulation or resolution of said city, shall contain a clause directing that for want of goods and chattels (excepting such as the law exempts) to satisfy

the same, in the event of the non-payment of the judgment or any part thereof, the imprisonment of the defendant, in the said county jail, for such term as shall have been provided by this act, or the ordinance, rule, by-law, regulation, or resolution under which the judgment shall have been rendered, or in the absence of such provision, for any term not exceeding thirty days, in the discretion of the court, unless such fine or forfeiture and all costs be sooner paid.

Fines, etc., to whom paid.

SECTION 68. All such fines, penalties and forfeitures and all license moneys when collected shall be paid to the city treasurer for the use of the city.

Report of appeal.

SECTION 69. In all actions brought by or in the name of the city, or against it, the city shall have the same right of appeal, or to a writ of certiorari or of error, as individuals have, and in no case shall any judgment be rendered against the city for costs, but it shall be liable for costs in the same manner and to the same extent that the county is liable for costs in criminal cases, and no more.

GENERAL PROVISIONS.

General provisions.

SECTION 70. Whenever any suit or action shall be commenced against the city the process shall be served in the same manner as is provided in the general statutes for the service of process against cities, and the officer or officers so served shall immediately give notice thereof to the common council.

Property of the city exempt.

SECTION 71. No real or personal property of the city or any of its inhabitants, or of any individual or corporation therein, shall be levied on and sold by virtue of any executions issued to satisfy any judgment against said city.

Insufficiencies in sidewalks.

SECTION 72. Neither the said city nor any officer within said city shall be liable for any damage that may happen by reason of any defect or insufficiency in any sidewalk, street, highway or bridge in said city, unless the street commissioner shall have first had actual notice of such defect or insufficiency and reasonable time thereafter to repair the same or place the same in good order.

No action in tort shall lie.

SECTION 73. No action in tort shall lie or be maintained against the city of Lancaster unless a statement in writing, signed by the person injured, or claiming to be injured, of the wrong and time, place and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occuring or happening of the tort alleged.

SECTION 74. Action in tort for injury to the person shall not lie or be maintained against said city unless through notice and permission by the person claiming injury, the mayor or common council has been enabled, by a physician of his or their appointment, to make personal examination of the alleged injury within one week after the time of its infliction, and until the amount of damages is adjusted such examination may be repeated as often as required by the mayor or common council. Unless through notice and permission.

SECTION 75. No action shall hereafter be maintained by any person against the city of Lancaster upon any claim or demand, other than a city bond or order, unless such person shall first have presented his claim to the common council of said city. No action maintained unless claim has been presented.

SECTION 76. If any claim be disallowed by the common council, suit thereon must be commenced within ninety days from the time of such disallowance; otherwise action shall not thereafter be maintained on such claim, unless by consent of the common council. Claims disallowed.

SECTION 77. Whenever an exemplified copy of any final judgment rendered by any court of this state against said city, together with an affidavit of the judgment creditor, his assignee, agent or attorney, stating that such judgment has not been reversed, appealed from or removed to any other court, or paid or satisfied in whole or in part, shall be filed in the office of the clerk of said city, the clerk shall give notice to the common council, which may cause the same to be paid out of any moneys in the city treasury not otherwise appropriated; but if such judgment be not paid by the time the clerk is required to certify to the town clerk the city taxes to be levied and collected upon the next tax roll of the town, as provided by this act, the city clerk shall calculate the interest on such judgment, and all costs and lawful charges thereon from the date of the judgment to the time when the warrant for the collection of such taxes will expire, and certify the same to the said town clerk with the other city taxes, and the same shall be placed on the next tax roll of the town, and collected and returned in the same manner as other city taxes, and shall be paid to the party entitled thereto. Judgments.

SECTION 78. No person shall be incompetent to serve as a judge, justice, or juror in any proceeding or action in which the city is interested by reason of his being an inhabitant of said city. Not to work incompetency.

SECTION 79. All ordinances, by-laws, rules and

regulations now in force in said city, not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council.

SECTION 80. No general law of this state, contravening the provisions of this act, shall be considered or construed as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Repeal.

SECTION 81. All acts and parts of acts inconsistent or conflicting with the provisions of this act, are hereby repealed. But the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, act, suit, claim, penalty, forfeiture or demand that may have been entered into, performed, commenced or may exist under or by virtue of, or in pursuance of the said acts or parts of acts, or any of them; but the same shall exist, be prosecuted and enforced and carried out, as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 82. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state, and shall take effect and be in force from and after its passage and publication.

Approved March 13, 1882.

[No. 147, A.] [Published March 18, 1882.]

CHAPTER 93.

AN ACT to authorize Chris. Leonhardt to build and maintain a pier in the waters of Sturgeon Bay, Door county, state of Wisconsin:

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build a pier.

SECTION 1. Chris. Leonhardt, his heirs and assigns, are hereby authorized to build and maintain a pier in the waters of Sturgeon Bay, extending from the fractional northeast quarter of the northeast quarter of fractional seven (7), in township number twenty-seven (27) north, of range number twenty-six (26) east opposite to and southwesterly of block, number four, (4) in the "town plat of Graham," on lands owned by him or lands to which he may obtain the right to occupy for such purpose, in Door county, state of Wisconsin; providing said pier does not extend into the

waters of Sturgeon Bay to exceed three hundred and seventy-five (375) feet.

SECTION 2. This act shall take effect and be in force from and after after its passage and publication.

Approved March 14, 1882.

[No. 249, A.] [Published March 18, 1882.]

CHAPTER 94.

AN ACT to authorize James Tufts to build and maintain a pier in the waters of Lake Michigan, in Door county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. James Tufts, his heirs and assigns, are hereby authorized to build and maintain a pier in the waters of Lake Michigan, from the north five acres of the northwest fractional part of section twenty-eight (28), in town twenty-six (26) north of range twenty-six (26) east, in Door county, starting from near the mouth of what is known as Bear creek, and extending into the waters of said lake two thousand (2,000) feet; provided, said pier shall not be constructed within two hundred (200) feet of any other pier in use. May build a pier.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 186, S.] [Published March 18, 1882.]

CHAPTER 95.

AN ACT to amend chapter 137 of the general laws of 1879, entitled an act to authorize John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglas, their associates or assigns, to erect and maintain a dam across the Yellow river, Barron county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglas, their heirs and assigns, are hereby authorized to construct and maintain a dam across Yellow river, on lands owned by the Knapp, Stout & Co. Company, in section number thirty-four, in township number thirty-six, north of range number thirteen west of the fourth principal meridian, in the county of Barron, said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream; May build a dam.

provided, that said dam shall not interfere with the rights of any person heretofore acquired.

SECTION 2. The aforesaid persons, their heirs or assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall put through said dam all logs, timber and lumber belonging to any and all other persons free of all expense and charge.

SECTION 3. Any person or persons who shall wilfully break or destroy said dam, or shall open the same, shall be liable to the proprietors thereof in an action for trespass to the amount of the damages done in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1882.

[No. 96, S.] [Published March 18, 1882.]

CHAPTER 96.

AN ACT to authorize the common council of the city of Racine to transfer the balance of the special cistern fund of said city to the credit of various wards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Cistern fund.

SECTION 1. The common council of the city of Racine is hereby authorized and empowered to transfer the balance of the special cistern fund of said city, amounting to the sum of sixteen hundred dollars, in equal shares to the credit of the second, third, fourth and fifth wards of said city, to be used for such purposes as said council, with the consent of the aldermen of said wards, respectively, may direct.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 155, A.] [Published March 18, 1882.]

CHAPTER 97.

AN ACT to amend the charter of the city of Fort Atkinson, being chapter 247 of laws of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section 4 of chapter 247 of the laws of 1878, being the charter of the city of Fort Atkinson,

is hereby amended by adding to said section as follows: "The common council shall also provide one general ballot box for the city at large, and shall in giving notice of the annual city election give notice that the question of license or no license will be submitted to the voters at such annual election; and shall also provide ballots to be used at such election, on which shall be written or printed or partly written and partly printed the words 'for license' and 'against license,' an equal number of each kind, and all on paper of the same color. Each qualified voter at said election may vote on the question so submitted, and the vote so cast shall be deposited in the said ballot box so provided for the city at large, and at the close of said election shall be counted in like manner as other votes, and if a majority of the votes so cast on that subject shall be 'for license,' it shall be so declared and entered on the city records, and then the common council shall grant licenses for the ensuing year under the same conditions and restrictions as now provided by law; but if a majority of the votes so cast as aforesaid shall be 'against license,' then the common council shall not for the ensuing year grant any license."

SECTION 2. In the foregoing section where the term "license" is used, it is hereby declared to mean and have reference to the licensing and sale of spirituous, ardent and intoxicating liquors, and beverages as provided in chapter 66 of the revised statutes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 301, A.] [Published March 18, 1882.]

CHAPTER 98.

AN ACT to amend chapter 15 of the laws of 1881, entitled "an act to amend the charter of the city of Oshkosh."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 15 of the general laws of 1881, entitled "an act to amend the charter of the city of Oshkosh," is hereby amended by inserting after the word "purchase" in the forty-second line of said section, the following: "empower, authorize and permit any corporation association or individual to erect, construct, complete and maintain, in the city;" and by striking out the word "majority" in the forty- Amended.

sixth line of said section, and inserting in lieu thereof the word "two-thirds." And by adding after the word "council" in the forty-eight line of said section the following: "and approved by a vote of the majority of the legal voters of said city."

Amended.

SECTION 2. Section 3 of chapter 3 of chapter 123 of the laws of 1877, entitled "an act to revise, consolidate and amend the charter of the city of Oshkosh, the act incorporating the city and the several acts amendatory thereof, is hereby amended so as to read read as follows: Section 3. There shall be the following city officers elected annually by the qualified electors of the city at large: a mayor, a city clerk and a city treasurer. There shall also be elected three assessors, one to be elected by the qualified electors of the first and fifth wards, one to be elected by the qualified voters of the second and fourth wards, and one to be elected by the qualified electors of the third and sixth wards

Board of review.

SECTION 3. The mayor, clerk and assessors of said city of Oshkosh, and two aldermen from different wards, appointed by the common council, shall constitute the board of review of the city of Oshkosh. The members of the board of review shall have same compensation per day as the assessors. The time for which the members of the board of review shall receive compensation shall not exceed fifteen days. The mayor shall be chairman ex-officio of said board.

Compensation.

SECTION 4. That the members of the board of assessors shall not receive compensation for a longer time than sixty days for making the assessment of the real and personal property of said city.

SECTION 5. All acts or parts of acts conflicting with or are inconsistent with any of the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 317, A.] [Published March 18, 1882.]

CHAPTER 99.

AN ACT to repeal chapter 286 of the general laws of 1880, entitled "an act to amend chapter 2, of chapter 72 of the private and local laws of 1858," entitled "an act to incorporate the city of Ripon."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 286 of the general laws of 1880, entitled an act to amend chapter 2 of chapter 72 of the private and local laws of 1858, entitled "an act to incorporate the city of Ripon," is hereby repealed, and all acts and parts of acts repealed or affected by said chapter 286 of the laws of 1880, are hereby revived, restored and in all particulars re-enacted. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 208, A.] [Published March 18, 1882.]

CHAPTER 100.

AN ACT to authorize the county of Marathon to induce and aid in the construction of railroads into said county, and for that purpose to dispose of the lands, other than of swamp lands, to which said county has title.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county board of supervisors of the county of Marathon are hereby authorized and empowered, for the purpose of inducing and aiding in the construction of railways into said county, to sell and convey or to contract to sell and convey all or any portion of the lands within said county, other than swamp lands, to which said county has title, by virtue of tax deeds now held by said county, to any railway company or companies, at such prices and upon such terms as may be agreed upon in writing between said board of supervisors and such railway company or companies; and the said county may receive in payment for such land the capitol stock of such railway company or companies; provided, however, that contemporaneous with the sale or conveyance of any such land or the execution of an agreement to sell and convey any such land, the railway company to which said conveyance is made or with which said agreement is made, shall execute and deposit with the county treasurer of said county, a release, good in the law, forever discharging May dispose of lands.

said county from any and all liability for damages or claims of any nature in any manner to grow out of any defect or defects in the title of said county to any such lands; and, provided further, that nothing herein contained shall be construed as in any manner interfering with the operation of chapter 261 of the laws of 1880, entitled "an act in relation to the swamp lands in the counties of Marathon, Clark, Shawano, in the county of Oconto south of the south line of township thirty-one, and in the county of Chippewa south of the south line of township thirty-four."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 189, A.] [Published March 18, 1882.]

CHAPTER 101.

AN ACT to amend chapter 197 of the laws of this state, passed in the year 1881, entitled an act to re-establish a municipal court for Rock county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attachment.

SECTION 1. In all actions brought in the municipal court for Rock county, where an attachment shall be issued upon an affidavit made by or on behalf of the plaintiff, and the debt or demand mentioned in such affidavit exceeds the sum of two hundred dollars, such attachment shall be issued in the manner provided in chapter 124 of the revised statutes, entitled "of attachment," and all the provisions of said chapter 124 shall be applicable to any such attachment in said court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 123, S.] [Published March 15, 1882.]

CHAPTER 102.

AN ACT to incorporate the city of Menomonie.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name and general powers.

SECTION 1. All the district of country in the county of Dunn, contained within the boundaries hereinafter described, shall be a city by the name of "Menomonie;" and the people now inhabiting said district shall be a municipal corporation, the name of which shall be

"The city of Menomonie." Said corporation shall have the general powers possessed by municipal corporations at common law, and in addition thereto the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded in all courts, and shall have a common seal and may change the same at pleasure.

CITY BOUNDARIES.

SECTION 2. The southwest quarter of the southeast quarter, and the southeast quarter of the southwest quarter of section eleven (11), all of sections number thirteen (13), fourteen (14), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six six (26), twenty-seven (27), east half of number thirty-four (34), all of sections number thirty-five (35), and thirty-six (36), in township number twenty-eight (28) north of range thirteen (13) west, in the county of Dunn and state of Wisconsin, shall be included in and constitute the limits of the city of Menomonie. Boundaries.

WARD BOUNDARIES.

SECTION 3. The said city shall be divided into four wards, the boundaries of which, for the present and until changed as hereinafter provided, shall be as follows, to-wit: All that portion of said city lying west and north of the Red Cedar river shall constitute the first ward; all that portion of said city lying east of Red Cedar river and north of the section line between sections number twenty-six (26) and thirty-five (35) extended west to said river, and west of the center of Ninth street, extended north from said section line to the said river, shall constitute the second ward; all that portion of said city lying east of the center of Ninth street and north of the section line between sections twenty-six (26) and thirty-five (35). extending east on said line to the east boundary line of said city, shall constitute the third ward; all that portion of said city lying south of the south boundary line of the second and third wards and east of the Red Cedar river, shall constitute the fourth ward. But the common council shall have power to change said lines of division as they may deem convenient and proper. Boundaries of wards.

COMMON COUNCIL.

SECTION 4. The corporate authority of said city shall be vested in one principal officer styled the mayor; in one board of aldermen, consisting of two Officers.

members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act.

ELECTIVE OFFICERS.

Elective officers.

SECTION 5. The elective officers of said city shall be a mayor, clerk, treasurer, assessor, and three justices of the peace elected by the city at large, and two aldermen, one school commissioner, one supervisor to represent his ward in the board of supervisors of Dunn county, and one constable in each ward. The school commissioners elected at the election in 1882 from the first and second wards shall hold their offices for one year, and until their successors are elected and qualified; and the commissioners elected from the third and fourth wards shall hold their offices for two years, and until their successors are elected and qualified. Annually, thereafter, there shall be elected from each ward, where the term of office of a school commissioner expires, a school commissioner for a term of two years, and the council may make appointments of school commissioners to fill vacancies which may occur from any cause. All other necessary officers shall be appointed by the common council. All elective officers, except justices of the peace and aldermen, shall, unless elected to fill vacancy, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the council shall have power, for due cause satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city, except justices of the peace, due notice and an opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The term of every officer elected under this act shall commence on the third Tuesday in April of the year for which such officer is elected, and the term of office of all appointed officers shall expire with that of the members of the body appointing them.

Aldermen.

SECTION 6. At the first election held in said city under the provisions of this charter, one alderman shall be elected from each ward whose term of office shall be one year, and one alderman from each ward whose term of office shall be two years. Aldermen elected thereafter, except to fill vacancy, shall hold their office for two years.

ANNUAL ELECTIONS.

SECTION 7. The qualified voters of the city of Menomonie shall hold an election on the first Tuesday in April of each year, for the election of city and ward officers herein designated, and shall be presided over by the inspectors of election, appointed under the general laws of this state, who shall see the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballot at the close of the polls, and shall certify and seal two returns; and the day following the election shall direct and return one of the said returns to the city clerk of the city of Menomonie and the other to the county clerk of the county of Dunn. The mayor of the city and such members of the common council as shall hold over shall constitute a board of canvassers, who shall, within three days after such election, meet at the council chamber and canvass such returns; and after the aforesaid returns have been canvassed by said board, the mayor shall notify by a certificate the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five in the afternoon, but an adjournment may be made from twelve o'clock, noon, to one o'clock in the afternoon, by notice thereof given at the opening of the polls. Said elections shall be conducted in accordance with this act, and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state. Annual elections.

QUALIFIED ELECTORS.

SECTION 8. All persons who are qualified electors of the state of Wisconsin shall be deemed qualified electors and voters of said city and ward. Each ward officer shall be a qualified elector in the ward in which he is elected, and each city officer shall be a qualified elector in the city. Qualified electors.

SPECIAL ELECTIONS.

SECTION 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by inspectors of election, as provided by this act, and the returns thereof shall be made in the same manner and form as of annual elections; provided however, that in case a special election is to be held in the city other than for ward purposes, the common council may order a single poll for the entire city, and appoint the Special elections.

place where the election is to be held, and the inspectors of election and the clerks therefor.

Elections by ballot.

SECTION 10. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the council shall be viva voce, except as hereinafter provided. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct.

Election in case of vacancy.

SECTION 11. In the event of a vacancy in the office of mayor, justice of the peace or aldermen, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Officers deemed to have vacated.

SECTION 12. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify, on or before the third Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

OFFICERS — THEIR POWERS AND DUTIES.

Powers and duties of officers.

SECTION 13. Every person elected or appointed to any office under this act except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constable, and such other officers as the council may direct shall severally, before they enter upon the duties of their respective offices, execute to the city of Menomonie a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sums and such conditions as the council shall deem proper. The treasurer, before entering upon his duties, shall also execute a bond,

with at least two, nor more than ten, sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilites or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws, except that their official bonds shall be approved by the council, and in addition thereto shall have jurisdiction in all cases arising under this act, and hold their office and courts in any part of the city. All constables elected under this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Duties of mayor.

SECTION 14. The mayor shall, when present, preside over the meetings of the council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and to appoint a marshal in place of the one he may remove, but the term of office of a marshal who may be appointed by the mayor shall not commence until his nomination has been approved by a majority of the council. The mayor shall have a vote in the council only in case of a tie, and when the council shall be engaged in the election of any officer he shall have a vote the same as an alderman. When presiding over the council his style shall be "Mr. President."

Election of president.

SECTION 15. At the first meeting of the council after its election in each year, it shall proceed to elect, by ballot, one of its members president, and in the absence of the mayor, the said president shall preside

place where the election is to be held, and the inspectors of election and the clerks therefor.

Elections by ballot.

SECTION 10. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. All elections by the council shall be viva voce, except as hereinafter provided. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct.

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SECTION 11. In the event of a vacancy in the office of mayor, justice of the peace or aldermen, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Officers deemed to have vacated.

SECTION 12. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify, on or before the third Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

OFFICERS — THEIR POWERS AND DUTIES.

Powers and duties of officers.

SECTION 13. Every person elected or appointed to any office under this act except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constable, and such other officers as the council may direct shall severally, before they enter upon the duties of their respective offices, execute to the city of Menomonie a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sums and such conditions as the council shall deem proper. The treasurer, before entering upon his duties, shall also execute a bond,

with at least two, nor more than ten, sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilites or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city, and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws, except that their official bonds shall be approved by the council, and in addition thereto shall have jurisdiction in all cases arising under this act, and hold their office and courts in any part of the city. All constables elected under this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Duties of mayor.

SECTION 14. The mayor shall, when present, preside over the meetings of the council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and to appoint a marshal in place of the one he may remove, but the term of office of a marshal who may be appointed by the mayor shall not commence until his nomination has been approved by a majority of the council. The mayor shall have a vote in the council only in case of a tie, and when the council shall be engaged in the election of any officer he shall have a vote the same as an alderman. When presiding over the council his style shall be "Mr. President."

Election of president.

SECTION 15. At the first meeting of the council after its election in each year, it shall proceed to elect, by ballot, one of its members president, and in the absence of the mayor, the said president shall preside

over the meetings of the council; and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case both the mayor and president shall be absent at any meeting of the common council it shall proceed to elect a temporary presiding officer, who for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and any acts performed by him shall have the same force and validity as if performed by the mayor, but the president of the council as acting mayor shall sign no order, warrant or other proceeding whatever which the mayor has refused to sign and communicated such refusal to the council.

Duties of clerk.

SECTION 16. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the council, at whose meetings it shall be his business to attend, and copies of all papers filed in his office, and transcripts from the records of the council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the council, and shall keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations. The salary of the city clerk shall not exceed four hundred dollars per annum, payable quarterly.

Duties of treasurer.

SECTION 17. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the council shall direct. He shall report to the council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to

the powers and duties already specified, shall have the same powers and duties, and be subject to the same liabilities as treasurers in towns. No person having been city treasurer for two years in succession shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed four hundred dollars per annum, and shall be payable quarterly.

Duties of assessor.

SECTION 18. The assessor shall assess all the taxable property of the city of Menomonie as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding two hundred dollars for the term for which he was elected, and which shall be payable when the assessment roll is completed.

Duties of marshal.

SECTION 19. The marshal shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor and when necessary, in criminal cases, or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have the power to appoint one or more deputies, to be approved by the council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Other duties may be required of any officer.

SECTION 20. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers appointed by them where the com-

pensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix, by resolution, the salary which shall be paid to the clerk, treasurer, marshal, assessor and school superintendent for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted except by unanimous vote of the council, which vote shall be approved by the mayor.

Official newspaper.

SECTION 21. The council, at the first meeting after its election, or as soon thereafter as practicable, shall designate a newspaper, printed in said city, in which shall be published all ordinances and other matters required by this act or the by-laws or ordinances of the city to be published in a newspaper.

Shall file a copy of newspaper.

SECTION 22. The city printer or printers immediately after the publication of any notice, ordinance or resolution which by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of his or their foreman of the length of time the same has been published; and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, as stated in such affidavit.

Penalty for not delivering to successors.

SECTION 23. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws in this state.

Shall not be interested in any job.

SECTION 24. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which an alderman may be so interested shall be null and void, and in case any money shall have been paid on any such contract, the council may sue for and recover the amount so paid from the parties to such contract and the aldermen interested in the same, or either or any one of them. Provided, however, that this section shall not prevent the council from leasing any of the public grounds of the city in such manner and to such parties as it may see fit to do.

SECTION 25. The mayor or acting mayor, sheriff of Dunn county, and each and every alderman, justice of the peace, marshal, constable and watchman, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and, for such purposes, may command the assistance of all bystanders, and if need be, of all citizens; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings. Officers of the peace.

SECTION 26. The council may elect a city surveyor, and prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, or filed with the city clerk when ordered by the council, and be open to the inspection of the parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the council. The certificate of the surveyor shall have the same force and effect in all courts as the certificate of the county surveyor. The council may elect a city attorney, who shall conduct all law business of said city and the departments thereof, and all other business in which the city shall be interested, and when requested by the mayor or council, he shall furnish written opinions on subjects submitted to him in which the city or any departments thereof may be interested. It shall also be his duty to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments in writing as may be ordered by the council, and to perform such other duties as may be prescribed by the ordinances of the city or by any resolution of the council. The salary of the city attorney shall be fixed by the council, at a sum not exceeding two hundred dollars a year, payable quarterly. City surveyor and his duties.

SECTION 27. All actions to recover any penalty or forfeiture under this charter or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and

may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice in such cases shall be paid over to the city treasurer. Each justice shall report to the council on the first Monday in January, April, July and October in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

SECTION 28. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect and his office shall be deemed vacant from the time such resignation shall be accepted by the council.

Shall give bonds.

SECTION 29. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made by the city, nor shall any officer required to give bonds as aforesaid enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

COMMON COUNCIL.

Style of ordinance.

SECTION 30. The mayor and aldermen shall constitute the common council and the style of all ordinances shall be: "The common council of the city of Menomonie do ordain," etc. The council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

Shall hold stated meetings.

SECTION 31. The council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members; and have power to compel the attendance of absent members and enforce its rules; to punish by fine and imprisonment, by a vote of two-thirds its members, any member for disorderly or contemptuous conduct, and by a vote of two thirds its members may expel any member for cause.

GENERAL POWERS OF COUNCIL.

General powers of council.

SECTION 32. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the

city, for the suppression of vice and immorality, for the prevention of crime and for the benefit of the trade, commerce and health, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law; and such ordinances, rules and by-laws are hereby declared to be and have the force of law: provided, they are not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard or pool tables and bowling saloons, and to provide for the abatement and removal of nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state. Licenses shows, etc.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, and other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council. Gambling, etc.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. Prevent riots, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. Cleanse nauseous places.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection, use or occupation of the same where the offal or filth thereof shall discharge into the waters of the Slaughter houses.

creeks or river; and to establish rates for and license venders of gunpowder, and to regulate the storage, keeping and conveying of the same, or other explosive materials.

Grading and repairing streets.

6th. To provide for the making, grading, improving and repairing the streets of the city of Menomonie, and to provide for the making, constructing and repairing gutters and sidewalks in said city, and to prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood, or other materials or substance whatever.

Prevent horse racing, etc.

7th. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Impound stock.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Suppress dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances of said city.

Depositing unwholesome substances.

10th. To prevent persons from bringing, depositing or having within said city, or placing in the waters adjacent to said city any putrid carcass or other unwholesome or nauseous subtance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, hides or skins of any kind, or on default, to authorize the removal by some competent officer, at the expense of such person or persons.

Public pounds.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs and to provide for the erection of water works for the supply of water to the inhabitants of the city; to regulate and to license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps and to provide for lighting the streets, public grounds and public highways, with gas or otherwise.

Boards of health.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Bread.

13th. To establish the assize and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto.

14th. To prevent all persons riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to such sidewalks. **Driving teams on sidewalks.**

15th. To prevent shooting off firearms or crackers and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein or annoying to the citizens thereof. **Firearms and crackers.**

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. **Restrain drunkards.**

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments. **Runners.**

18th. To make rules and ordinances for the government and regulation of the police of the city. **Police regulation.**

19th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions. **Public market.**

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same. **Weighing and selling produce.**

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction of the objectionable substance by some officer of the city at the expense of such owner or occupant. **Keep sidewalks clean.**

22d. To regulate, prevent and control the landing of persons from boats, cars and stages wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city. **Prevent infectious diseases.**

23d. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise, and other property **Auctions, etc.**

at public auction, and to grant licenses for the sale of goods, wares, and merchandise and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses; provided, it shall not be lawful to charge less than five dollars nor more than five hundred dollars for any such license for one year; and provided also, that nothing in this section shall prohibit, or affect in any manner, sales at auction in cases specified in section 1585 of the revised statutes.

Watchmen.

24th. To appoint watchmen and prescribe their duties.

Weights and measures.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using or keeping any false weights and measures.

Jurisdiction over streams.

26th. The common council shall have jurisdiction over the streams within the limits of said city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time; and may also, by ordinance or resolution, prevent any deterioration of the said waters, or any nuisance being cast therein by which the health of the inhabitants of the city or the purity of the water shall be impaired as it shall deem expedient.

Appropriations.

SECTION 33. No appropriation shall be made nor shall any debt be created or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against, or a liability incurred by the city, shall be approved by the mayor before the same be in force; and all ordinances shall be published in the official newspaper, printed at the city of Menomonie, before the same shall be in force, and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be prima facie evidence of such publication.

SECTION 34. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or

proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor; houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Accounts to be examined by common council.

SECTION 35. The common council shall examine, audit, and adjust the accounts of the clerk, treasurer, marshal, street commissioner, and all other officers or agents of the city, at such time as it deems proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two-thirds of its members, upon reasonable notice, for cause, to remove from office any officer of the city, elected by the common council, or whose appointment shall have been confirmed by it.

OPENING OF STREETS, ALLEYS, ETC.

Opening of streets, alleys, etc.

SECTION 36. The common council shall have power to take for the use of the city, in the manner hereinafter provided, any lots or any land for public squares, grounds, streets and alleys, and to widen or straighten the same, or for the purpose of erecting a public hall, market house, fire engine house, or any building in the construction of water works, or for flowing the same, for supplying the city with water, or any other lawful municipal purpose, or for erecting hospitals or pest houses for the prevention of contagious or infectious diseases within the city, or for any needful or convenient purpose in connection with or to execute and accomplish any other power, right or privilege conferred

on or granted to the city by its charter, or any act amendatory thereof, or by any act of the legislature; and may take the same, and whether within or without the city, by conveyance from the owner upon a bargain and sale, or upon a donation thereof, or in manner as follows: Whenever it shall, in the opinion of the common council, be necessary said council shall declare, by resolution that it is necessary to take any such lots or lands for any of the purposes above set forth, giving description of the premises, defining separately each parcel thereof separately owned, and the purpose for which they are to be taken. The common council shall thereupon cause a written notice, as prescribed in the next section, to be served upon the occupant or occupants of such lands, and the owner or owners of the same, if the place of residence of such owner or owners is known, or can be ascertained by reasonable diligence, when such residence is within this state, and in case such owner or owners are non-residents of the state, or their place of residence, after due diligence by the city attorney of said city, cannot be ascertained, which fact shall be made to appear by his affidavit, then the common council shall cause service of such notice to be made on such non-resident owner or owners, or the owner or owners the residence of whom cannot be ascertained, by causing the same to be published for six weeks in the official paper of the city, at least once in each week, and by causing such notice to be mailed, post paid, to the address of such owners within five days from the time of the first publication of such notice, when the postoffice address of such owner is known.

Notice, how signed and what to state.

SECTION 37. Such notice shall be signed by the city clerk, or city attorney, and shall state the adoption of the resolution and embrace a copy thereof, and further, that at a time and place therein named, not less than ten days after the service of such notice, or the expiration of such publication, as the case may be, application will be made to the judge of the circuit court for said county of Dunn, for a jury to enquire and determine whether it is necessary to take the land or any part thereof, described in such resolution for the purposes therein specified. Such notice shall further state the time and place at which such jury will be applied for to meet to discharge such duty; and the judge aforesaid shall fix the time and place so named in the precept hereafter mentioned, and no other notice thereof shall be necessary.

SECTION 38. At the time fixed in said notice for the appointment of such jurors, the judge named in said notice, upon proof of the service of the same on the owner or owners of the premises described in such notice, which proof shall be made in the same manner as is now required to make proof of the service of a summons in civil actions in courts of record in this state shall appoint twelve competent persons, having the qualification of jurors in and for the county of Dunn, and not residents of the ward in which such premises are situated, not interested in such application, but residents of the city shall not be disqualified; provided, that if the owner of the land sought to be taken shall, before said judge shall appoint such persons, demand in writing that the jury be taken from any other county in such judicial circuit, then said judge shall appoint such jury from persons having the qualifications of jurors in such other county in the circuit as shall be designated by such land owner in his demand for the inquiry to be made respecting his lands. The same rights of challenge peremptorily, or for favor, or cause, may be exercised by the city attorney, and by such land owner whose land is sought to be taken, or by his agent or attorney, as a party to a civil action in the circuit court is entitled to have, and the judge shall decide the same in like manner, and replace the name of any jurors successfully challenged, by the name of some other competent person, until a jury of twelve be chosen. The said judge shall thereupon issue his precept directed to such jurors, requiring them and each of them to appear before him, on the day named in the notice for such jurors to meet for the discharge of their duties under such appointment. The precept so issued may be served by the sheriff of said county, or by any public officer of said city. The jurors so chosen shall, before entering upon the performance of their duty, take an oath before such judge faithfully and impartially to discharge their duty as such jurors, and a true verdict give, whether it is necessary to take such land or any part thereof, mentioned in such resolution for the purpose therein specified. **Proof shall be made.**

SECTION 39. If any of the jurors so appointed shall be disqualified from acting, or shall refuse to act, the judge shall appoint others in their places, and a memorandum of such substitution shall be endorsed on the precept. **Disqualified jurors.**

SECTION 40. The said jurors shall forthwith, under direction of said judge, proceed in a body to view the **Shall view premises.**

premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by said judge; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Shall render a verdict in writing.

SECTION 41. After having made such view and heard such testimony as shall have been produced, the said jury shall, under direction of said judge, deliberate apart and return their unanimous verdict in writing, signed by them, in which they shall find and state whether it is necessary to take the whole of the lands described in such resolution for the purpose therein specified, or any part thereof, describing particularly the part to be taken, if they find only a part thereof so necessary. Such verdict, with all the papers, proceedings and testimony had before him and said jury, shall then be forthwith filed by said judge with the clerk of the circuit court for Dunn county, together with a certificate by said judge that the same are the originals and the whole thereof. The clerk shall, on application, furnish a certified copy of the same or any part thereof, which shall have the same force and effect as the originals. In case any jury called under the provisions of this charter shall disagree, another jury shall be forthwith selected in like manner, and all the like proceedings thereafter had as hereinbefore provided for the first jury, except that the said judge shall fix a reasonable time for the assembling of such jury in the precept therefor, but no other notice thereof shall be necessary to any party; and the like steps shall be taken in case of any further disagreement, until a verdict shall be found.

Common council may enter an order.

SECTION 42. Should the necessity for the taking of the premises, or any part thereof, mentioned in the resolution of the council, be so established by the verdict of the jury, then the common council may enter an order directing the city attorney to proceed to procure to be assessed and appraised the damages to the owner or owners of the premises so found necessary to be taken by reason of the taking of the same for the purpose specified. The city attorney shall thereupon make application to the judge of the circuit court or judge of the county court for Dunn county, briefly setting forth the fact that the necessity for taking such premises has been so established by the verdict of a jury, and praying the appointment of three commissioners to appraise the damages of each and all of the several owners of such lands, and showing the amount of land,

giving the metes and bounds thereof, the purpose for which the same is to be taken, and the names of the several owners so far as the same are known to the city attorney. Five days' notice of the time and place when such application will be presented to such judge, accompanied with a copy of such application, shall then be served on each owner in the cases when required and in the manner provided in section thirty-six of this act. At the time and place designated, such judge shall hear all parties interested who appear, and shall appoint three disinterested and reputable freeholders of said county as such commissioners, by his order in writing, to ascertain and appraise the compensation to be made to the owners of or persons interested in the land so found necessary to be taken, and fix the time and place for the first meeting of said commissioners.

Value of building to be estimated.

SECTION 43. If there should be any building standing, in whole or in part upon the lands to be taken, the commissioners before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to remove.

Notice to be given.

SECTION 44. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in the official paper three successive weeks; such notice shall specify the building and the award of the commissioners. It shall also require the parties interested to appear by a day therein named, or give notice of their election to the common council, either to accept the award of the commissioners, and allow such building to be taken, with the land appropriated, or their intention to remove such building, at the rate set thereon by the commissioners to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the common council shall allow.

Building may be sold.

SECTION 45. If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the owner or deposited for him in the city treasury.

Shall take and subscribe an oath.

SECTION 46. The commissioners shall take and subscribe the oath prescribed by the twenty-eighth section of the fourth article of the constitution before entering on the discharge of their duties. A majority of them may adjourn the proceedings before them from time to time, in their discretion. They shall cause notice to be given to each party interested of the time when and the place where they will meet to consider the amount of compensation to which he is entitled, which notice shall be personally served on such party, or his authorized agent or attorney, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at least six days before the time of such meeting. If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state, such notice shall be published in a newspaper as aforesaid for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file a proof of such notices, or of the appearance of such parties before them, either personally or by attorney, with their report. But it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment.

Commissioners shall award damages.

SECTION 47. The commissioners shall view the premises described in the petition, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of compensation to be made to each of such owners therefor; and in fixing the amount of such compensation, said commissioners shall not make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefits which the parties in interest may derive from the construction of the proposed improvement, for which such real estate may be taken; but special benefits to the real estate adjoining the lands so taken, shall be allowed in deduction of any damages sustained by the owner to such adjoining real estate. In case of any building on the land, and proceedings shall have been taken as provided in sections 43, 44 and 45, the said commissioners shall include the value of such building as estimated by them, less the proceeds of the sale thereof, or if taken by the owner at the value

to remove, in such case, they shall only include the difference between such value and the whole estimated value of such building. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after viewing any of the lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. The commissioners shall be entitled to such compensation as the court may direct, which shall be paid by the city.

If lands or buildings belong to separate parties.

SECTION 48. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment or mortgage, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively, may be awarded to them by the commissioners, less the benefits resulting to them respectively from the proposed improvement.

Duties of commissioners.

SECTION 49. Whenever the commissioners shall have completed their duties and filed the report of their proceedings and determination as before provided, the common council may, if they shall deem it expedient by resolution or ordinance order such improvement to be made, and the land which has been so found necessary to be taken therefor to be taken and used; and in such case the city shall be absolutely liable to the owner or owners or parties entitled thereto for all compensation that may be established against said city therefor; and the council may also in that case make an assessment of the compensation to be paid therefor, with the costs of proceedings, or such part thereof as they shall determine to be just, upon the lands found by them to be directly benefited by such improvement in such proportion to the benefits enjoyed as they shall determine. If the council shall not deem it expedient to make such improvement, they may, by resolution, order all further proceedings to be discontinued.

May appeal.

SECTION 50. Any person being dissatisfied with the amount of compensation for property taken, or the amount assessed as benefits, shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits, by serving on the mayor or city clerk a notice of appeal therefrom, and giving a bond to the city in not less than one hundred dollars, to be approved by the

mayor, acting mayor or city clerk, to pay all costs of appeal in case the appellant shall not, upon such appeal, increase the amount of compensation or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city by giving notice to the opposite party without giving bond. Upon filing such notice with the clerk of the circuit court the appeal shall be considered an action pending in court for trial there as other actions, and shall be entered by the clerk upon the records of the court by setting down the party appealing as plaintiff and the other party as defendant. Such appeal shall be tried by jury, unless a trial by jury be waived by both parties; costs shall be allowed to the successful party, in accordance with the conditions of said bond.

Report of commissioners to be recorded.

SECTION 51. The report of the commissioners shall be recorded by the clerk of the court, in whose office the same is filed, in the judgment book of such court, and at any time after the making of such award the city may set apart in its treasury, to the order of the owner or owners of the lands so taken, or pay the same to such owner or owners, or to the clerk of said court for the use of such owner or owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the land for the purposes for which it was condemned, and may obtain from either of said judges, upon twenty-four hours' notice, a writ of assistance to put its officers or agents into possession of the same. If such city be in possession or put in possession of such land, pending an appeal, the owners or parties entitled thereto shall be entitled to receive the money paid into court or set apart in the city treasury on account of the award appealed from, without prejudice to the appeal taken, but if the city shall have appealed, such money shall only be so withdrawn by leave of court, upon filing a bond in such sum and with such surety as shall be approved by the court or judge, to repay the amount by which such award shall be abated on such appeal, with costs. If any defect of title to or incumberance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding or any person not a party shall petition to the said court, setting up a claim adverse to the title set out in said petition to said premises, and to the money or any part of it to be paid as compensation for the property so taken, the court shall hear and determine the right of the parties to said money, and for that purpose may order a refer-

ence or an issue to be tried by a jury. Either party may except to the decisions of the court and appeal to the supreme court in like manner as in actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party.

All covenants declared discharged.

SECTION 52. When the whole of any lot or tract of land or other premises under lease or under contract shall be taken by virtue of this act, all the covenants, contracts or engagements between landlord and tenant or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged.

In case a part is only taken.

SECTION 53. When only a part of a lot or tract of land or other premises so under lease or contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respectively, the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the rents, considerations and payments reserved, payable and to be paid for and in respect to the same shall be so proportioned that the part thereof justly and equitably payable for such residue thereof and no more shall be paid or recoverable for in respect to the same.

In case of infants, etc.

SECTION 54. When any known owner of lands or tenements affected by any proceedings under this charter shall be an infant or labor under any disability, the judge before whom the proceedings are pending, may, upon the application of the council, or such party or his next friend, appoint a guardian for such party, in the same manner as in a civil action in a court of record, and all notices required by this charter shall be served on such guardian.

Judge may amend defect.

SECTION 55. The judge or court before whom proceedings are pending shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this act as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as he deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

Proportion of costs.

SECTION 56. Whenever any improvement chargeable to the property adjacent thereto shall have been determined upon, the proportion of the costs properly chargeable to each lot, part of lot or parcel of land subject to contribute to the payment of the same shall be ascertained by the council, and the city clerk shall

forthwith issue to each person occupying such premises liable to contribute, a certificate stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land shall be, from the time it is so ascertained, a lien and charge thereon, and upon no other property; and the said amount shall be entered against such lot or lots in the tax warrant for the year in which the assessment is made and collected in the same manner as other taxes.

Surveyor's profile.

SECTION 57. Whenever any public grounds, street or alley shall be laid out, widened or enlarged, or other public improvements made under the provisions of this chapter or this act, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city clerk.

Shall change the name of streets, etc., if desirable.

SECTION 58. The council shall have the power to change the name of any street and to vacate any plat or portion thereof that may be petitioned for by the proprietor of such plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in the official city paper for at least two weeks prior to the meeting of the council.

Roads or streets, how laid out.

SECTION 59. Roads or streets may be laid out by the council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Only directory.

SECTION 60. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality of any of the proceedings under the provisions of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CITY IMPROVEMENTS.

City improvements.

SECTION 61. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and sidewalks in the manner hereinafter mentioned, and direct and control the persons employed therein.

Expense of surveying streets shall be chargeable to the city.

SECTION 62. The cost and expense of surveying or repairing streets, alleys, sidewalks, drains and sewers, and of estimating work thereon in the execution of any public improvement, shall be charged to and payable by the city. The cost and expense of opening, grading, graveling, paving, macadamizing or planking streets and alleys and constructing or repairing sidewalks shall

be chargeable to and payable by the lots fronting on such street or alley, so that each lot or parcel of land shall pay for the work done between the front of such lot or tract of land and the center of such street or alley. Sewers, crosswalks and drains may be ordered by the council, and all costs and expenses as well as the damages which shall be sustained by owners of lands through which the same shall pass shall be charged to and payable by the city.

Notice to be given by advertisement.

SECTION 63. Whenever the council shall determine to make any public improvement, as authorized by the two preceding sections of this act, it shall fix the time wherein such work shall be done, and shall give notice by advertisement to be published once a week for three successive weeks in the official paper of the city to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be improved, requiring them to do the work mentioned in such notice within the time fixed by the council for the doing of the same, to be therein specified. If said work shall not be done within said time, the street commissioner of the ward in which said work is required to be done shall immediately proceed to advertise and contract for doing the same at the expense of the lots upon which such work is chargeable. Proposals shall state a gross amount for doing the work in front of any lot, and the contract shall be awarded to the lowest responsible bidder. This section shall apply to streets which have heretofore been ordered graded as well as to streets which may hereafter be ordered graded. The council may direct the letting of such work in whole or in part; all bids for doing the same to be approved by the council, and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as it shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city.

Council may advertise and let.

SECTION 64. The council of said city shall have power, and may in its discretion, by a vote of two-thirds of all the members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or

gutter or the making of any improvement on or along any street in said city which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which such sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

Manner of repaving streets

SECTION 65. Whenever the council shall require any street to be repaved or macadamized it shall determine the manner in which the work shall be done and of what material, and the street commissioner or such other person or officer as the council may designate to have charge of the work shall let a contract for doing the whole of such work. Public notice of the letting of such contract shall be given by advertisement in the official paper of the city for at least twenty days, and the contract shall be awarded to some responsible bidder whose bid it shall deem most reasonable and proper. The cost of such paving or macadamizing shall be chargeable to the lot fronting on the street, so that each lot or parcel of land shall bear its proportionate amount of the expense of such paving or macadamizing, according to its frontrge on the street, but the expense of all engineering and grading necessary to be done to prepare a street for paving or macadamizing shall be payable by the city.

In case no bids are received.

SECTION 66. In case no bids shall be received for the performance of any work required to be done by this act, the council may cause such work to be done under the supervision of the street commissioner or a committee of the council, and the expense for doing the same shall be apportioned and assessed to each lot, according to its frontage on the street, and the amount shall be collected in the manner provided for the collection of other special taxes.

Deep cutting.

SECTION 67. Whenever the general interest of the city requires deep cutting or extraordinary filling in any street, and the owners of the lots or lands affected by such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council, in writing, within twenty days after the passage of the ordinance requiring the work to be done, that the expenses of such excavation or filling will exceed the proportion that should be justly and equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, non-

residents of the ward, nor owners of nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if, in their opinion, the costs of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and to what lots and parts of land on the streets so improved will be benefited by such deep cutting or filling, or the construction of such sewers or drain; and how much or what portion shall be chargeable to them, and to make a report thereof as soon as practicable, in writing, to the council; and such proportion as shall be reported as property chargeable to the lots or parcels first mentioned shall be assessed upon and collected from the same in the same manner as herein provided in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respected benefit as determined by said jury; the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for city improvements are collected; provided that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expense of all proceedings under this section shall be paid by said petitioners, and the council may require a bond for the payment of the same on the filing of the petition; provided, also, that the petition of no owner, feeling himself aggrieved, shall be received unless the same shall be presented within twenty days after the publication of the notice requiring the same to be done; and provided further, that when it shall appear to the council that any such lands belong to non-residents, infants, or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands, to the amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

Stagnant waters.

SECTION 68. The council shall give notice to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant waters remaining thereon, in the official paper for two weeks, to abate

such nuisance by draining or filling such lot within a reasonable time, therein to be specified, and if such nuisance shall not be abated or removed within the time so specified, the council shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Adjustment of contractor's accounts.

SECTION 69. After the completion and performance of any contract entered into by the street commissioner, for work chargeable to lots or lands by virtue of this act, they shall give the contractor or contractors a certificate under their hands, stating therein the amount such contractor is entitled to, and the description of the lot or parcel of land upon which the same is chargeable; which said certificate may be transferred by endorsement thereon; and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and shall be assessed upon the said lots or parcels of land respectively, and collected therefrom for the use and benefit of the holder of such certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof; and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment. When the tax shall have been paid to the city treasurer he shall pay over the amount on order of the council to the persons entitled to receive it. But if the tax on such lot shall not be paid while the roll is in the hands of the city treasurer, it shall be returned to the county treasurer as delinquent, and shall be received by such treasurer in part payment of the county tax. Then the city shall issue a city order to the amount assessed against the lot in favor of the contractor, on his petition to the council so to do. But in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or county be held responsible for or on account thereof, or of any proceeding for the collection of the pay therefor. This proviso shall apply as well to work already done or ordered to be done at the expense of particular lots as that which may be done hereafter.

May appeal.

SECTION 70. In all cases where work is ordered to be done by the owner of any lot, under the provisions of this chapter, such owner may make his appeal as hereinbefore provided at any time within twenty days after the publication of the notice required to be given,

and while such appeal is pending no such order shall be executed.

SECTION 71. The council shall appoint a street commissioner for the city, or if it so elects it may by resolution require that the city marshal shall be such street commissioner, who shall have all the powers and perform all the duties required of street commissioners in this act. The general powers and duties of the street commissioner shall be the same as overseers of highways in towns, except as otherwise herein provided. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the streets, alleys, public grounds, reservoirs, gutters, sewers, water of the rivers and watercourses within their respective wards are duly observed and kept, and direct and control the persons employed therein; and they shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in their respective wards, unless the council shall otherwise provide. Such street commissioner shall be under the direction and control of the council, and they shall make no orders or give any directions for the improvement of streets, unless such improvements have previously been authorized by the council, or a committee of the council acting under authority. Whenever any place occur in any street whereby the life or property of persons using the street becomes endangered, the street commissioner shall proceed at once to repair such street to a safe and passable condition. Street commissioner.

SECTION 72. It shall also be the duty of the street commissioner, whenever in his opinion any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same, and if said owner or occupant fail to repair the same forthwith, then and in that case the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk; provided, however, that the expense to be charged to any lot for any such repairs shall in no case exceed the sum of five dollars, unless such repairs shall be according to the provisions of this act; service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner or occupant; and in case the owner of such lot Duties of said street commissioner.

is not] a resident of said city or his residence is unknown, and such owner has no agent in said city known to the street commissioner, then and in that case it shall be the duty of the street commissioner to forthwith repair the same without notice to the owner of the adjoining lot, at the expense of such lot, as hereinbefore provided. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the streets in said city as town boards of supervisors have in removing obstructions from highways. The city shall not be liable for any services ordered to be performed by the street commissioner, unless provision is made for paying therefore at the time such services are ordered.

May remove earth or gravel.

SECTION 73. Any owner of a lot may remove the earth, gravel or material of any kind from the street adjacent to his lot, prior to the grading of the same, at his pleasure, but in doing so he shall not impair the usefulness of the street. The street commissioner, however, may take material from any point in the street to make ordinary and necessary repairs elsewhere upon such street, but in so taking material he shall do no damage to the adjacent property. When any street shall have been ordered graded and the time for doing such work shall have expired without its having been performed, the city may take such material from the street in front of or adjacent to any lot as is not necessary for the purpose of bringing such street along such lot to the established grade, or may authorize any person to take it and use it upon any street of the city, or for any other purpose, as to it may seem best.

Term of office of street commissioner.

SECTION 74. The street commissioner shall hold his office for the term of one year from the first Tuesday in April of the year in which he was appointed, unless removed by the council, and shall, before entering on the duties of his office, give a bond to the city of Menomonie, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than five hundred dollars, conditioned to render an account to the council whenever required by law or the ordinances of said city, or by a vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse and pay over as required by law or the ordinances of said city. all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

SECTION 75. In order to secure a proper and faithful observance of the ordinances of the city relating to the cleaning of alleys, the council may appoint an inspector of alleys. If the power conferred by this section be exercised by the council, it shall by resolution designate the blocks which shall be under his supervision, and shall define his duties, and in the discharge of them he shall be invested with all the authority of the street commissioner and a police officer. The council may provide for defraying the expenses incurred under this section, by levying a special tax on each lot placed under the supervision of the inspector of alleys, not exceeding one dollar for each lot in any one year. Inspector of alleys.

SECTION 76. The council shall have power to purchase a stone crusher and to purchase stone and cause the same to be broken and prepared for use in improving the streets of the city, and in cases where owners of lots are required by ordinance to improve the streets in front of the lots owned by them, and broken stone are required to be used in making such improvements, the council may sell to said owners of lots the stone required at a price not exceeding the cost thereof. The council may, with the consent of the sheriff or of the board of supervisors of Dunn county, deposit stone when brought upon the grounds connected with the jail of said Dunn county, and may use in breaking said stone such labor of prisoners under sentence in said jail as the sheriff will furnish, or may use said labor in breaking stone or in doing any other work in any part of the city. Stone crusher.

SECTION 77. The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in front of the same, and to protect and preserve them, and, in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. It shall also have power to determine the lines on which the trees shall be set, the places where they shall be set, the kind and size of the trees to be set, and the manner of protecting them, and for replanting them, when they have died or been so injured as to fail to answer the purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal when they have hitherto been set out. It shall also have power to provide for and direct the trimming of shade trees to Ornamental trees.

proper proportions, and to do all other needful acts as to them may seem just and proper, to give this section proper effect.

CHAPTER VII.

FINANCES AND TAXATION.

Finances and taxation.

SECTION 78. All funds in the city treasury, except school, state and county funds, shall be under the control of the council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds in the treasury belonging to the city. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

No debt contracted without authority.

SECTION 79. No debt shall be contracted against the city, or orders be drawn on the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same, in case it exceeds fifty dollars, shall be entered by ayes and nays upon the journal of the council; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing.

Forfeitures and penalties to be paid into the general fund.

SECTION 80. All forfeitures and penalties accruing to the city for a violation of this act, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of three fourths of all the aldermen elect.

All property liable for city taxes.

SECTION 81. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment roll, and more fully define the duties of assessor.

SECTION 82. The county board of supervisors shall have the right to regard the city of Menomonie as a town in equalizing the assessment rolls of the several towns in Dunn county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards. City regarded as a town.

SECTION 83. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law, in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. May levy taxes.

SECTION 84. Upon receiving the statement of the amount of taxes so levied the city clerk shall make out upon the assessment roll, in columns left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be called the tax list of the city of Menomonie, and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. Clerk shall make out assessment roll.

SECTION 85. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state that every act or thing required by law to be done relating to assessing or levying of taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law. Tax list prima facie evidence.

SECTION 86. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, Shall make duplicate copy.

or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

City treasurer shall proceed to collect.

SECTION 87. The city treasurer, upon the receipt of such certificate copy of the tax list, shall proceed to collect the same and in like manner, and shall have like power and be subject to like requirements, liabilities and restrictions as town treasurer, except as otherwise provided in this act. All taxes may be paid to the treasurer before the first day of January in each year, without any addition thereto for treasurer's fees. To the taxes paid after the first day of January, five per cent. treasurer's fees shall be added, which fees when collected shall be paid into the treasury of the city for the benefit of the general fund.

Shall make return to county treasurer.

SECTION 88. The said treasurer shall make out and return to the treasurer of Dunn county, at the time required by law in the case of towns, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with, and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers. The county treasurer shall add the same interest penalties or fees to such delinquent returns as are allowed or required by law upon the delinquent returns from the several towns. The city treasurer, at the time of returning the tax roll to the county treasurer, shall make out a list of all unpaid personal property taxes, duly certified, and file it with the city clerk, and shall not return such unpaid taxes to the county treasurer. The city clerk shall make out a warrant for the collection of such delinquent personal property taxes and place it in the hands of the city marshal. Such warrant shall be similar in form to the one prescribed by county treasurers and directed to sheriffs commanding them to collect delinquent personal property taxes, and the city marshal shall be clothed with all the power of sheriffs for the collection of such taxes.

County treasurer shall sell.

SECTION 89. The county treasurer shall sell all delinquent lands and lots returned from the city of Menomonie at the same time and in the same manner as other delinquent lands are sold in the county.

Subject to special taxes.

SECTION 90. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvements of streets in front of the same.

Farming land.

SECTION 91. All lands lying within the city limits not divided and laid out into lots or lots or blocks, and all

out lots, not subdivided and numbered by such subdivision, which may be used, occupied, reserved or held for agricultural purposes, shall be assessed as farming land, and shall not be subject to any special taxes.

SECTION 92. All the directions hereby given, except in section eighty-three of this act, for the assessing of lands and the levying, collection and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment. Directory.

SECTION 93. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, gas purposes and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, (they) shall specify the amount to be raised and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election. Special tax.

SECTION 94. The city treasurer shall receive nothing but national currency, treasury notes, coin, or coin certificates for taxes, licenses or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment of city dues. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans, at the legal rate of interest, for the supplying of all funds to meet any deficiency in the treasury. Lawful money.

SECTION 95. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council. Thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit. Empty treasury.

SECTION 96 Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then judgments; then all special taxes, in the order in which they were levied; then Which taxes shall first be paid.

taxes for bridge purposes; then taxes for fire purposes; then taxes for streets and other public improvements; and lastly, county taxes. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state.

When council shall meet.

SECTION 97. The council shall meet on Monday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during their term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

Surplus fund.

SECTION 98. The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, except school funds, may be invested as the council may direct, or borrowed for the temporary use of the other funds of the city, and all interests and profits arising from such investment shall belong to the city, and shall be accounted for in the same manner that other funds are accounted for.

Monument to soldiers.

SECTION 99. The council shall have power to provide for the erection of a monument to the memory of those of her citizens who lost their lives during the late rebellion, at such time and in such place as they may direct, and for that purpose may levy a tax to pay for all necessary expenses incurred, without submitting the same to a vote of the people.

FIRE DEPARTMENT.

Fire department.

SECTION 100. The council, for the purpose of guarding against the calamities of fires, shall have power to prescribe the limits within which wooden buildings, or buildings or other materials that shall not be considered fire-proof shall be erected, repaired or moved, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the removal of buildings into such fire limits or the removal of any building or buildings situated or located within said fire limits to or on any other lot or lots within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

SECTION 101. The council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, boilers apparatus used in any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and to prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire-wardens, and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this act and the ordinances under it by suitable penalties. Regulate chimneys.

SECTION 102. The council shall have power to authorize the formation of fire engine, hook and ladder and hose companies, provide for the due and proper regulations of the same, and to disband any such companies at any time, and to prohibit their meetings as such when disbanded, which companies shall be officered and governed by their own by-laws, provided such by laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in cases of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid. Hook and ladder companies.

SECTION 103. The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city; and the moneys arising therefrom shall be expended under the direction of the council of said city for fire purposes. Tax for fire purposes.

Sack companies.

SECTION 104. The council shall have power to organize sack companies to consist of not more than thirty members each. Such companies shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said companies, either collectively or individually, are hereby authorized and empowered to act as special police in and for said city, and are hereby vested with all the power and authority which now is, are or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department; at fires they shall take charge of all the property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such companies may from time to time adopt such by-laws and regulations as they may deem necessary, not inconsistent with the laws of this state. The members of said companies shall not be entitled to receive pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said companies shall severally take an oath or affirmation that they shall faithfully discharge the duties of their said office, and when any member shall cease to be a member thereof, by resignation, expulsion or otherwise, a notice thereof shall be given to the city clerk, and he shall preserve a list of all members of each of said companies.

SCHOOLS.

Superintendent of schools.

SECTION 105. There shall be elected by the council of the city of Menomonie, at its first meeting after its election in the year 1882, a superintendent of schools, who shall be a member of the board of education and perform such duties as pertain to his office and are required of him by the provisions of this act.

Women eligible.

SECTION 106. Every woman of the age of twenty-one years and upwards residing in the city shall be eligible to the office of superintendent of schools and to the board of education.

Board of education.

SECTION 107. The said school commissioners so elected in conjunction with the superintendent of schools of said city of Menomonie shall constitute a board to be styled "the board of education of the city of Menomonie." Said board shall appoint and hold

stated meetings, and a majority thereof shall constitute a quorum for the transaction of business. At the first meeting of said board in each year the members thereof shall elect one of the number president and whenever he shall be absent a president pro tem. may be appointed. The superintendent of schools shall be clerk of said board, whose compensation shall be fixed by the council. The said commissioners shall not receive any compensation for their services.

Duties of school clerk.

SECTION 108. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record or a transcript thereof, certified by the president and clerk, shall be received in all courts and places as prima facie evidence of the facts therein set forth, and such records and all books and accounts of said board shall at all times be subject to the inspection of the council, and of any committee thereof, and the said superintendent shall examine all teachers making application to teach in the public schools of said city; all certificates to teachers, granted by said superintendent, shall be substantially in the form as prescribed by the state superintendent of schools. The clerk of said board shall visit all schools in said city, at least once in each month, and report their condition to the board of education, with such suggestions for their improvement as he may deem proper. He may also make such suggestions to said board as he may deem necessary for improving and repairing school houses, grounds, fences and appurtenances thereto belonging.

Further duties.

SECTION 109. The clerk of said board shall in each year, and at the time and in the manner now and hereafter to be required by law, make and transmit to the state superintendent of public instruction a report in writing, which report, in form, shall be such as is now or may hereafter be required by law to be made annually to the state superintendent. He shall also make and submit to the council, at least ten days before the annual election in each year, a report, showing the receipts and expenditures by the board since the report made to the council, at its first meeting in July. Such account need only show the gross amount of receipts from each of the various sources, and gross amount of expenditures for each of the various purposes, required to be reported. Such report shall include salaries of teachers, and all other expenses up to the close of the terms of office of the board on the third Tuesday in April, and all salaries or bills that

will be due at that time may be paid before making the report. The report shall also show the gross amount of receipts and expenditures since the preceding annual report. If the receipts or expenditures since the July report are more or less than estimated in the July and October reports, the report shall state the amount, more or less, and the report shall also state whether, and if any, how much more or less than estimated in July and October will be needed for the entire school year ending in June.

Salary.

SECTION 110. The salary of the superintendent of schools shall be fixed by the council, not to exceed two hundred dollars a year, payable quarterly at the end of each quarter.

Passage of ordinances.

SECTION 111. The council of said city shall have power to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection and safe keeping, care and preservation of school houses in said city, and lots and appurtenances to the schools, and also to impose penalties for the violation thereof. All such penalties shall be collected in the same way that other penalties authorized to be imposed by said council under the act of which this act is amendatory, are collected.

Title shall be vested in city.

SECTION 112. The title of the school houses, sites, furniture, apparatus and appurtenances, and all other property mentioned by this act, shall be vested in the city of Menomonie; and the same while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the said city shall be able to take, hold and dispose of any real or personal estate, transferred to it by gift, grant, bequest, or devise for the use of the schools of said city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any person or persons or body for the use of said schools.

City to demand all moneys due from county.

SECTION 113. The treasurer of said city is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer of Dunn county, all moneys appropriated for the use of schools in said city, and all other moneys in possession of said county treasurer at any time raised, appropriated or intended for the use and benefit of schools in said city, and the said county treasurer is hereby directed and required, on demand of the said treasurer, to pay over to him the said moneys without delay or set-off, taking

his receipts as such treasurer therefor, and all such moneys shall be placed to the credit of the school fund of said city.

SECTION 114. The said board of education shall have power and it shall be its duty: Duties of board of education.

1st. To establish and organize such and so many schools in said city, or the several wards thereof, as they shall deem necessary and expedient, and to alter and discontinue the same. Establish schools.

2d. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, and to see that the ordinances and regulations of the common council in relation thereto are observed. Custody of school houses.

3d. To contract with and employ in behalf of the city, all teachers in the common and ward schools and such other schools as may be under the direction of said board, who shall have been licensed by said board, and at their pleasure to remove them. Employ teachers.

4th. To have in all respects the superintendence, supervision and management of all the public schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one school to another, and generally for the promotion of their good order, prosperity and utility. Superintendence of public schools.

5th. Whenever in the opinion of said board it may be advisable to sell any of the school houses, lots or sites, or any of such school property now or hereafter belonging to the city, to report the same to the council. Selling school houses.

6th. To prepare and report to the council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots, sites and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and suggest proper penalties for violation of such ordinances and regulations, and annually to determine and certify to the council at its first meeting in October of each year, the amount of money, in their opinion, necessary or proper to be raised for school purposes, specifying the sum required for each of the purposes therein mentioned, and the reason therefor. Necessary regulations.

7th. In the name of the city of Menomonie to contract, subject to the approval of the council, for the repair of school houses and their appurtenances, and for all things necessary or proper for the support and main- Repair of school houses.

tenance of schools in said city, and to superintend the erection, construction and repair of all school houses, and generally to have the entire and exclusive supervision and control of all property belonging to said city used for said purposes. The board of education shall have the power, by and with the consent of the council of said city, to erect, construct, hire and purchase buildings suitable for school houses, buy and lease sites for school houses with the necessary grounds, and to furnish the school houses in said city with the necessary fixtures, furniture and apparatus.

School tax.

SECTION 115. The council of said city of Menomonie shall have power to annually levy and collect a school tax not exceeding three-fourths of one per cent. on all real and personal property of said city to meet the expenses of erecting and repairing school houses, purchasing or hiring sites for school houses and supporting and maintaining schools.

Audit indebtedness.

SECTION 116. It shall be the duty of the board of education to audit each and every indebtedness of said city for school purposes, and to issue orders therefor, signed by the president and clerk of the board of education; and all moneys received by or raised in the city of Menomonie for school purposes shall be disbursed on the said orders of the president and clerk of the board of education, and in no other manner. The city treasurer and his sureties shall be liable for all school funds that come into his hands, and for payments not authorized by this act.

Outside attendance.

SECTION 117. The said board of education shall have power to allow the children of persons not residents of said city to attend in either of the schools therein under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition which shall be paid therefor; all moneys so received for tuition shall become a part of the school fund of said city. It shall be the duty of the board of education to report to the council, at its first meeting in the month of July of each year, the condition of the several schools of said city, and the average number of pupils in attendance, the names and rate of compensation of the several teachers, the cost of supporting each and all of said schools since the previous report, and the estimated cost thereof to the time of their next succeeding report, as in this section required, specifying the items thereof, under their appropriate heads, together with such other matters as they may deem proper, or the council may require;

provided, that nothing in this act contained shall be deemed to authorize said board of education or the council, or both, to appropriate, contract or expend for school purposes in any one year, any greater sum than is provided for in section 115 of this act, in addition to the school moneys derived by said city from the state and county school funds, and such fines, forfeitures, penalties and tuition moneys as may properly belong to the city school fund, unless first authorized thereto by a vote of two-thirds of the legal voters of said city.

MISCELLANEOUS PROVISIONS.

SECTION 118. The credit of the city shall never be given or loaned in aid of any individual, association or corporation. Credit of the city.

SECTION 119. No tax for general city purposes shall be levied in any one year exceeding one per cent. of the assessed valuation of property in the city in that year. Per cent. of tax.

SECTION 120. The city shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the current year. Cannot borrow money.

SECTION 121. All work for the city exceeding one hundred dollars in amount shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract. Let by contract.

SECTION 122. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into, nor shall any compensation be paid to the mayor or any alderman for their services. Extra compensation.

SECTION 123. The council shall settle all just claims and demands against the city, and settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city, for the information of the citizens. Settling accounts.

SECTION 124. In all prosecutions for any violation of any of the provisions of this act, or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant as in other cases. Prosecutions, how to be made.

SECTION 125. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed according to the laws of this state. The execution shall require the defendant in any such action, in case no goods or chattles, lands or tenements whereof the judgment can be collected, be found, to be imprisoned in the jail of Dunn county for a term not exceeding three months, in the discretion of the Issuing execution.

justice or judge rendering judgment, unless the same be sooner paid or discharged by the common council.

Incompetent.

SECTION 126. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which said city shall be a party in interest.

Failure to hold election shall not suspend corporation.

SECTION 127. If any election by the people or council shall, for any cause not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation; but such election or organization may be had on any subsequent day, by order of the council; and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer at any specified time, be not then done or performed, the council may appoint another time at which the said acts may be done or performed.

How suit can be commenced.

SECTION 128. When any suit or action shall be commenced against said city, the service of process therein may be made by levying a copy thereof by the proper officer with the mayor; and it shall be the duty of the mayor forthwith to inform the council thereof, or take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

In case judgment shall be recorded against city.

SECTION 129. When a judgment shall be recovered against the city of Menomonie or against any city or ward officer in an action prosecuted by or against such officer in his name of office, where the same should be paid by the city, no execution shall be awarded or issued upon such judgment, except as herein provided; but the same, unless reversed, shall be levied and collected as other city taxes, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if any payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution, on special application therefor. Nor shall any real or personal property of any inhabitant of said city or any individual or corporation be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

SECTION 130. The said city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation; provided, that no debt shall be incurred in any such purchase which cannot be paid out of the revenue of the fiscal year. City may hold real estate.

SECTION 131. The council of said city are hereby authorized and empowered to cause to be made by some competent person a plat of all pieces or parcels of land within said city which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated thereon, and each tract or lot of land embraced in said plat shall be designated by a number placed thereon. The said plat when completed shall be certified to by the person making the same, and shall be acknowledged before some officer authorized to take the acknowledgement of deeds by the mayor and clerk of said city, and when so certified and acknowledged shall be recorded in the office of the register of deeds of Dunn county. Plat shall be made.

SECTION 132. The said plat shall be called and known as "assessors' sub-division of lands in the city of Menomonie," and for the purpose of assessment and taxation it shall be deemed a sufficient description of any piece of land described and designated in said plat, to designate the same by its number as it appears on said plat, and any deed of any such tract or piece of land which may be executed pursuant to the laws of this state by reason of the non-payment of any tax hereafter assessed shall be as valid and effectual to pass the title to the lands therein described as it would be if said premises had been described by metes and bounds, and the said plat or the record thereof shall be received in evidence in all courts and places as correctly describing the several pieces or parcels of land therein designated and numbered. "Assessor's" subdivision.

SECTION 133. Every license issued by the authority of this act or the ordinances of the city shall be signed by the city clerk and sealed with the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinuous or malt liquors unless the same shall Licenses, by whom signed.

have been authorized by the council, and the appellant shall have filed his receipt as aforesaid together with a bond as required by the laws of this state, which shall be approved either by the mayor or council; provided, that the sum to be paid for any such license shall not be less than the amount fixed by the laws of the state, and that all licenses shall be granted to expire on the first day of May next following in each year.

Use of jail.

SECTION 134. The use of the jail of Dunn county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of such county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases. But said county shall not incur or pay any liability or expense on account of any person committed to said jail for the violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

Meeting of council.

SECTION 135. It is hereby made the duty of the common council of said city and the board of supervisors of said town of Menomonie to meet together at some convenient place on or before the first Monday of May, 1882, upon notice given by either body, and, if possible, agree upon some just, fair and equitable settlement or adjustment and division of the property, money, credits, duties, liabilities, obligations and every other matter or thing made necessary by the organization of said city out of the territorial limits of the town of Menomonie, and, among other things, make a fair and just proportion of the bonded indebtedness of said town, between the town and said city, fixing forever the amount of said indebtedness to be paid by said city, and the amount by said town, and such settlement and adjustment shall be made upon the basis of and in proportion to the assessment roll of said town of Menomonie for the year 1881.

In case board and council cannot agree.

SECTION 136. If the common council of said city and board of supervisors of said town shall be unable to agree upon an honorable, just and fair settlement or adjustment and division, as provided in the preceding section, then it is hereby made the duty of the circuit judge of the circuit court in and for the county of Dunn, upon application made to him by either of said bodies, five days notice having been previously given to the other body, to appoint three commissioners, one to be a resident of said city, one of said town and one to reside outside of both city and town, who shall have power, and it is made their duty, as soon as may be af-

ter their appointment and filing with the clerk of the circuit court, in and for said county, of their oaths to faithfully and fairly to adjust and settle all matters of dispute between said city and town, as hereinbefore mentioned to examine into and fairly, equitably and justly make a division of all property, moneys, credits and property owned by said city or any part thereof in common with said town; made a full and complete settlement or adjustment of all matters between said city and town, arising or growing out of the formation of said city out of the territorial limits of said town, and especially of the indebtedness of said town, any portion of which said city ought to pay. And in order to make such a settlement, adjustment and division as herein contemplated, the said commissioners shall make use of and shall use as a basis of such settlement and adjustment, and shall be therein governed by the assessment roll of said town of Menomonie for the year 1881. The said commissioners shall, as soon as possible, make their award in writing and file the same in the clerk of court's office of said county, which shall be final and conclusive between the parties.

Adjustment of city and town accounts.

SECTION 137. Any and all amounts found as aforesaid to be owing by said city to any portion of the territory outside of the city which comprises a part of the town of Menomonie, from which said city was formed, shall be paid by said city to the proper officers authorized to receive and receipt for the same. But if it shall be found upon such settlement that there is any amount due any portion of said city from any portion of territory outside of said city limits which was an organization, from which said city was formed, that portion of said territory so owing said part of said city, shall pay the amount to the city treasurer. And in case any portion of the territory so indebted shall fail, neglect or refuse to pay the amount thereof so found to be due, the city treasurer of said city shall proceed to collect the same in the manner as is now provided by the laws of this state for the collection of debts against towns, cities and villages

Submitted to the people.

SECTION 138. The question of the adoption of this act as a charter of said city of Menomonie, shall be submitted to the electors of the town of Menomonie before such charter shall become operative. For the purpose of determining such question, the qualified electors residing in the town of Menomonie, shall meet on Tuesday, the twenty-first day of March, 1882, at 10 o'clock A. M. of that day, at such place as the

inspectors of such election shall appoint, and vote by ballot upon such question. The board of supervisors of the town of Menomonie are hereby appointed inspectors of such election, and the town clerk of Menomonie is appointed clerk thereof. Such inspectors shall give notice of such election by publishing notice thereof in one or more papers printed in the town of Menomonie, or by posting the same in two or more public places in each ward of the proposed city, at least six days before such election. Such notice shall specify time, place and object of such election; the time of opening and closing the polls. At such meeting the polls shall be opened at 10 o'clock A. M. and kept open until 5 o'clock P. M., when they shall be closed. In case of vacancy in the board of inspectors the electors present shall choose viva voce from the qualified electors of the town of Menomonie inspectors to fill such vacancies. Such inspectors shall preside over and conduct such election, and all the laws of this state applicable to the election of town officers shall apply to all the proceedings thereat so far as they are consistent with the provisions of this act. Every elector residing in such territory, and qualified to vote for town officers in said town of Menomonie, may vote at such meeting by a ballot having thereon the (words) "for the charter," or the words "against the charter." If a majority of the ballots cast at such election have thereon the words "against the charter," this act shall be inoperative and void. If a majority of such ballots have thereon the words "for the charter," this act shall be in full force and effect. The said inspectors shall make and certify returns of the result of such election and file duplicates of the same in the office of the county clerk of the county of Dunn and the town clerk of the town of Menomonie, and such returns shall be evidence of the facts therein stated, and the regularity of all proceedings in relation to such election.

Duty of board of supervisors.

SECTION 139. In case this act is adopted as the charter of said city, it shall be the duty of the town board of supervisors of Menomonie to designate a place for holding the annual election in each ward, appoint the inspectors of election and perform such other acts as may be required in holding the first municipal election in said city. The said town board shall also act as a canvassing board for said city at the first election and perform such duties as may be required of the board of canvassers under this act.

Tells

SECTION 140. Whenever the town board of supervisors of the town of Menomonie, in the county of

Dunn, may deem it for the convenience and interest of the legal voters of said town, they are hereby au horized and empowered to select a place for the polls of any general or special election or town meeting, at any suitable place within the limits of the city of Menomonie; provided, that such polls shall not be nearer to any poll of election in any ward of said city than three hundred feet, and notice of such elections and the place where the same is to be held shall be given as provided by the laws of this state.

May hold meetings, etc.

SECTION 141. It shall be lawful for the supervisors of said town to hold their meetings for the transaction of town business at any proper place within the city of Menomonie, and the town board may authorize and empower the town clerk and town treasurer of said town to keep the books and papers in their respective offices at some suitable place within the limits of said city; provided, that the said city shall not be chargeable with nor liable for any of the expenses arising or growing out of any of the provisions of this or the preceding section; and provided further, that the place of meeting, and the places for the town clerk and the treasurer of the town mentioned in this and in the preceding section, shall not be at any place or places of meeting of the common council or of officers of the city without consent first being obtained of the common council.

SECTION 142. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 165, S.] [Published March 18, 1882.]

CHAPTER 103.

AN ACT to authorize John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglas, their heirs or assigns, to erect and construct and maintain a dam across Red Cedar river, Barron county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May maintain a dam.

SECTION 1. John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglas, their heirs and assigns, are hereby authorized to construct and maintain a dam across the Red Cedar river, on the southeast quarter of the northeast quarter of section twenty-one and lot three of section twenty-two, town thirty-six, range

ten, Barron county, Wisconsin; said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of faciliating the driving of logs and timber down said stream: provided, that said dam shall not interfere with the rights of other persons heretofore acquired. The aforesaid persons, their heirs or assigns shall build suitable slides in said dam for running logs, timber and lumber belonging to any and other parties free of expense and charge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 424, A.] [Published March 18, 1882.]

CHAPTER 104.

AN ACT to amend section 1, of chapter 243 of the private and local laws of 1869, entitled an act to fix the salary of the members of the board of supervisors in the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salaries of members.

SECTION 1. Section 1 of chapter 243 of the private and local laws of 1869, is hereby amended so as to read as follows: Section 1. The members of the board of supervisors of Milwaukee county shall each receive an annual salary of four hundred dollars. The members of said board shall receive no fees of office or other compensation for services as committee-men or otherwise than their salaries.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall be in force and effect from and after passage and publication.

Approved March 14, 1882.

[No. 112, A.] [Published March 18, 1882.]

CHAPTER 105.

AN ACT to discontinue a part of a certain state road extending into the counties of Barron and Polk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Discontinue state road.

SECTION 1. That so much of that certain state road laid out and established under and by virtue of the provisions of chapter 308 of the laws of 1874, entitled "an act to provide for laying out a state road between

Rice Lake and Lake Chetek, in the county of Barron, to a point in Polk county," and approved March 12, 1874, and a return and plat of which road as made by a majority of the commissioners and surveyor thereof, is recorded on pages five to eleven inclusive, in volume three of the records of state roads, in the office of the secretary of state, as lies wholly within section number thirty-five (35), in township number thirty-four (34), north of range number twelve (12) west, in said county of Barron, be and the same hereby is discontinued.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1882.

[No. 75, A.] [Published March 18, 1882.]

CHAPTER 106.

AN ACT to authorize S. A. Sherman to erect and maintain a dam across the Bloomer Rapids on the Wisconsin river, in Portage county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. S. A. Sherman, his heirs and assigns, are hereby authorized to construct and maintain a dam across the Bloomer Rapids on the Wisconsin river on section 17, town 23, range 8 east. Provided that said dam shall be so constructed as to allow the free and safe passage of logs, timber and lumber over it without hindrance and delay; provided, said S. A. Sherman, his heirs and assigns, shall be subject to all the provisions of chapter 70 of the revised statutes of 1878, and all acts amendatory thereof, so far as the same may be applicable. May maintain a dam.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No 83 A.] [Published March 18, 1882].

CHAPTER 107.

AN ACT to authorize Clarence A. Sherman to maintain a dam across the Big Plover river in Portage county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Clarence A. Sherman, his heirs and assigns, are hereby authorized to repair and maintain a dam across Big Plover river on section twenty-six May maintain a dam.

(26), town twenty-four (24), in range eight (8) east, upon land owned by said Clarence A. Sherman: provided, that said dam shall be so constructed as to allow the free and safe passage of logs, timber and lumber without hindrance or delay, and that said dam shall not interfere with the rights of any person heretofore acquired: provided, said Clarence A. Sherman, his heirs and assigns, shall be subject to all the provisions of chapter 70 of the revised statutes of 1878 and all acts amendatory thereto so far as the same may be applicable.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 100, A.] [Published March 18, 1882.]

CHAPTER 108.

AN ACT to appropriate to the Wisconsin State Dairyman's Association a sum of money therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated out of the general fund to the Wisconsin State Dairyman's Association the sum of five hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 156, A.] [Published March 18, 1882.]

CHAPTER 109.

AN ACT to appropriate to the Wisconsin State Horticultural Society a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated to the Wisconsin State Horticultural Society the sum of five hundred dollars, out of any money in the treasury not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 142, A.] [Published March 21, 1882.]

CHAPTER 110.

AN ACT to repeal section 4882 of the revised statutes as amended by chapter 147 of the laws of 1881, entitled an act to amend section 4882 of the revised statutes entitled of "inquests of the dead."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4882 of the revised statutes as amended by chapter 147 of the laws of 1881, entitled an act to amend section 4882 of the revised statutes, entitled of inquests of the dead, is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 269, A.] [Published March 18, 1882.]

CHAPTER 111.

AN ACT to provide for the better protection of the fish of Devil's Lake, Sauk county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person or persons to place any set or float lines in the waters of Devil's Lake, Sauk county, Wisconsin. Fish.

SECTION 2. It shall be unlawful for any person or persons to cast any fly in the waters of Devil's Lake for the purpose of taking any fish therefrom during the months of April, May, or June of any year.

SECTION 3. Any person violating any of the provisions of this act, on conviction thereof shall be punished by a fine not exceeding ten dollars for each offense.

SECTION 4. This act shall be in force after its passage and publication.

Approved March 15, 1882.

[No. 227, A.] [Published March 20, 1882.]

CHAPTER 112.

AN ACT to amend section 3 of chapter 296 of the laws of 1854, entitled "an act to incorporate the Galesville University."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3 of chapter 296 of the laws of Wisconsin of the year 1854, entitled "an act to incor- Amended.

porate the Galesville University," is hereby amended so as to read as follows: Section 3. The board of trustees shall consist of not less than ten members, who shall have power to increase the number to fifteen, and to fill any vacancies that may occur by death, resignation or neglect of the duties of the office for more than one year. The members of the board shall be divided into two classes, one of which shall go out of office in one year, to be determined by lot at the organization of the board, and afterwards trustees shall be elected to serve two years. The first meeting of the board of trustees shall be held at such time and place as may be designated in a call signed by a majority of the corporate members, of which due notice shall be given, and afterwards they shall meet on their adjournment and in such manner as may be prescribed in the by-laws, and a majority of them duly assembled shall constitute a quorum for the transaction of business, and any less number may adjourn from time to time.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 122, A.] [Published March 20, 1882.]

CHAPTER 113.

AN ACT to amend chapter 39 of the revised statutes, entitled "of town officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 821 of chapter 39 of the revised statutes, entitled "of town officers," under the head of general provisions, is hereby amended by adding to the second clause in said section the following words, to-wit: "Such statement shall be verified by the affidavit of the claimant, his agent or attorney, and filed with the town clerk; and no such claim against any town shall be acted upon or considered by any town board unless such statement shall have been so made and filed." So that this clause shall read when so amended: "To examine and audit every account presented against the town, and to endorse thereon the amount allowed and disallowed, stating the items; and no allowance shall be made on any account which does not specifically state each item, with the date amount and nature thereof separately. Such statement shall be verified by the affidavit of the claimant, his

agent or attorney, and filed with the town clerk; and no such claim against any town shall be acted upon or considered by any town board unless such statement shall have been so made and filed."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 261, A.] [Published March 21, 1882.]

CHAPTER 114.

AN ACT to authorize the city of Sheboygan to retire fifty bonds, issued by said city in aid of the Milwaukee, Manitowoc and Green Bay Railroad Company, on the 1st day of March, A. D. 1871, and to issue new bonds in substitution of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city of Sheboygan is hereby authorized and empowered to issue fifty negotiable bonds, for the payment of one thousand dollars each, and to substitute the same for fifty bonds, each of which is for the payment of a like sum, and was heretofore issued by said city in aid of the Milwaukee, Manitowoc and Green Bay Railroad Company, on the first day of March, A. D. 1871, and will be due on the first day of March, A. D. 1882. Issue bonds.

SECTION 2. The bonds authorized by this act shall bear date on the first day of March, A. D. 1882, and be made payable within twenty years from their date, and bear interest payable annually, or semi-annually, at a rate not exceeding six per cent. per annum as the said city, by its common council may direct. Such bonds, and the coupons for annual or semi-annual interest thereon, may be made payable at any place, and shall be sealed with the seal of said city, and signed by the mayor, clerk, and countersigned by the comptroller. What date bonds shall bear.

SECTION 3. The mayor and common council of said city of Sheboygan are hereby authorized to provide, instead of issuing new bonds as hereinbefore mentioned that the time of payment of said old bonds be extended for such length of time; and in such manner and upon such terms as may be agreed upon with the holders of said bonds, at a rate of interest, payable annually or semi annually, not exceeding six per cent. per annum. Amount of interest.

SECTION 4. Said city may substitute such new bonds for the old bonds which may be due on the first May substitute new bonds.

day of March, A. D. 1882, by issuing the new bonds directly to the holders of the old bonds in exchange for the said old bonds, if they are willing to make the exchange, or by issuing such new bonds to any person in fulfillment of any contract by which such person may agree with such city to purchase or pay such old bonds, with his own money, for and in behalf of said city, in exchange for such new bonds.

Interest to be raised annually.

SECTION 5. When bonds are issued by virtue of this act, said city shall annually raise the interest thereon by taxation, and pay the same on the day and at the place specified therein. The old bonds when delivered to the city shall be destroyed in the presence of the common council of said city and under its supervision.

SECTION 6. This act shall take effect from and after its passage and publication.

Approved March 15, 1882.

[No. 181, A.] [Published March 20, 1882.]

CHAPTER 115.

AN ACT to amend section 1 of chapter 289 of the general laws of 1881, entitled "an act for the protection of brook trout in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 1 of chapter 289 of the general laws of 1881 is hereby amended by striking out the word "May," when it occurs in said section, and inserting in lieu thereof the word "April," so that said section, when so amended, shall read as follows: Section 1. Any person who shall catch or take, or attempt to do so, from any stream, lake or other waters in this state, any brook trout, by any device or means whatsoever, between the fifteenth day of August and the succeeding fifteenth day of April in any year, or who shall catch or take, or attempt to do so, from any such stream, lake or other waters, at any time, by any device or means other than hook or line or angling, or who shall have any brook trout in his possession or custody taken by any means or device, except hook and line or angling, between the fifteenth day of August and the succeeding fifteenth day of April in any year, shall be punished by fine not less than five dollars nor more than one hundred dollars, together with costs of prosecution, for every such offense, and shall be im-

prisoned in the county jail until such fine and costs are paid, or until he shall be otherwise thence discharged by due course of law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 177, A.] [Published March 20, 1882.]

CHAPTER 116.

AN ACT to prohibit the sale or use of toy pistols and other toy firearms.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person to sell or use, or have in his possession, for the purpose of exposing for sale or use, any toy pistol, toy revolver, or other toy firearm. **Toy pistol.**

SECTION 2. Any person violating any of the provisions of this act, on conviction thereof, shall be punished by imprisonment in the county jail, not exceeding six months, or by fine not exceeding one hundred dollars, or by both fine and imprisonment, in the discretion of the court.

SECTION 3. This act shall take effect and be in force in ninety days after its passage and publication.

Approved March 15, 1882.

[No. 457, A.] [Published March 20, 1882.]

CHAPTER 117.

AN ACT to amend section 1 of chapter 63 of the laws of 1879 relating to property exempt from execution.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 63 of the laws of 1879 is hereby amended by striking out the word "fifty" where it occurs in the seventeenth line of said section and insert in lieu thereof the words "two hundred," so that said section when so amended shall read as follows: Section 1. Sub-division 6 of section 2982 of the revised statutes is hereby amended by striking out the words "a span of," where they occur in the second and third lines of said subdivision, and inserting the word "two" in lieu thereof, so that said subdivision when so amended will read as follows: 6. Two cows, ten swine, one yoke of oxen, and one horse or **Property exempt from execution.**

mule, or in lieu of one yoke of oxen and a horse or mule, two horses or two mules, ten sheep and the wool from the same, either in the raw material or manufactured into yarn or cloth, the necessary food for all the stock mentioned in this section for one year's support, either provided or growing, or both, as the debtor may choose; also one wagon, cart or dray, one sleigh, one plow, one drag and other farming utensils, including tackle for teams not exceeding two hundred dollars in value.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 442, A.] [Published March 18, 1882.]

CHAPTER 118.

AN ACT to appropriate a sum of money therein named to the Wisconsin Wool Growers' and Sheep Breeders' Association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of one hundred dollars to the Wisconsin Wool Growers' and Sheep Breeders' Association for the purpose of printing and publishing the reports of said association.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 433, A.] [Published March 20, 1882.]

CHAPTER 119.

AN ACT for the protection of children from abuse or criminal neglect of parents or guardians.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Protection of children.

SECTION 1. Whenever proper affidavit shall be made before any county judge in the state of Wisconsin, that the life, health or safety of any child in such county is seriously endangered by continuous neglect, abuse or criminal treatment by the parent, guardian or by any person having the custody of such child, it shall be the duty of such county judge to summon witnesses as to the facts set forth in such complaint;

and also such parent, guardian or custodian of such child; and, if sufficient proof shall be established to warrant public protection for such child, it shall be the duty of said judge to cause such child to be removed from the custody of such parent, guardian or custodian, and provided with a home, or such place for safe keeping and provision of such child as may be available, and in his best judgment most suitable.

SECTION 2. It shall be unlawful for such parent, guardian or custodian to interfere with, or remove such child from the place so provided, without the written consent of said county judge or court.

SECTION 3. Any person who shall seek to entice any child away from the place provided for it pursuant to the provision of section number two, or who shall interfere in any manner whatever with the care, custody, control, personal liberty and education of any child removed from its parent, guardian or custodian pursuant to the provisions of said section number 2, shall upon conviction in any justice, police or municipal court in the county where such offense shall have been committed, be punished by fine not exceeding one hundred dollars or by imprisonment in the county jail not to exceed six months. Penalty.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 413, A.] [Published March 22, 1882.]

CHAPTER 120.

AN ACT to authorize and empower George W. Perry and his associates or assigns to construct and maintain a pier, dock or wharf in the Bay of Superior.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. George W. Perry and his associates or assigns are hereby authorized and empowered to construct and maintain a pier or dock from any lots or lands now owned by him or them, or hereafter acquired by him or them, on or adjacent to the Bay of Superior, in the county of Douglas, to the line now established, or hereafter established, as a wharf or dock line in the Bay of Superior aforesaid, and for this purpose may construct such pier or piers, dock or docks, wharf or wharves, across the line of any highway or railway laid out or constructed in said Bay of Superior; provided, May maintain a pier.

that if any railway, now actually constructed and in operation, crosses the line or course of such pier, dock or wharf, the said George W. Perry, and his associates or assigns shall construct and maintain the said pier, dock or wharf at such elevation from the surface of the water of said bay as to conform to the said railway and not interfere with the operation thereof; and that the said railway may construct other and additional tracts on and along its right of way across said pier, dock or wharf as it deems proper; but not to interfere with the proper and convenient operating of said pier, dock or wharf; provided, further, that said pier, dock or wharf shall not materially interfere with or hinder the convenient operation of said constructed railway or its additional tracks.

Dock shall not be blocked.

SECTION 2. Any railroad now constructed or hereafter constructed in said Bay of Superior shall operate its line or lines of track in and upon said bay in such manner as not unnecessarily to interfere with the successful and convenient operation of the pier, dock or wharf hereby authorized, and shall not wilfully or unnecessarily block, delay or hinder the free and unobstructed passage of persons, teams, vehicles or cars on and along said pier, dock or wharf.

May construct a wharf.

SECTION 3. Upon and along the dock or wharf line, established or hereafter established in said bay of Superior, in front of the lots or lands now owned or hereafter acquired by said George W. Perry and his associates or assigns, and at the extremity of the pier, dock or wharf hereinbefore authorized, to said George W. Perry and his associates or assigns, may and are hereby authorized to construct and maintain a wharf or wharves suitable and convenient for the landing, and speedy loading and unloading of vessels and steamers navigating Lake Superior and said bay, and at convenient place or places on and along said pier, dock or wharf, may construct and maintain a warehouse or warehouses suitable and convenient for the reception, storage and delivery of any and all manner of freights and such elevator or elevators suitable and convenient for the reception, storage and delivery or transfer of grain as to said George W. Perry and his associates or assigns may seem proper, and may charge, receive and collect such charges and advances upon such freights or grain so received, delivered or transferred as to them shall seem proper.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 15, 1882.

[No. 379, A.] [Published March 20, 1882.]

CHAPTER 121.

AN ACT amending section 1492 of the revised statutes, relating to obnoxious and infectious animals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Obnoxious and infectious animals.

SECTION 1. Section 1492 of the revised statutes is hereby amended by inserting in said section, after the word "cattle," the following words: "and no person shall bring into this state any swine diseased with hog cholera, or any kindred disease, or remove from any point within the state to another point within the state any swine so diseased." Said section shall read when so amended as follows: Section 1492. No person shall bring into this state, or own or have in his possession, any diseased Texas or Cherokee cattle, and no person shall bring into this state any swine diseased with hog cholera or any kindred diseases, or remove from any point within the state to another point within the state any swine so diseased, and every person who shall violate the provisions of this section shall be punished as provided by law, and be liable to any person injured thereby for the damages by him sustained.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 347, A.] [Published March 21, 1882.]

CHAPTER 122.

AN ACT to amend chapter 106 of the laws for the year 1881, entitled "an act to authorize the town of Fredonia, in the county of Ozaukee, in the state of Wisconsin, to raise a special tax for the building and erection of a bridge across the Milwaukee river."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May raise money.

SECTION 1. Section 1 of said act is hereby amended so as to read as follows: Section 1. The town of Fredonia, in the county of Ozaukee, is hereby authorized to raise a certain sum of money to be appropriated for the purpose of defraying one-half of the costs for the building and erection of a bridge across the Milwaukee river on the section line between sections twenty-five (25) and thirty-six (36), in township number twelve (12) north, of range number twenty (20) east, in the town of Farmington, in the county of Washington.

Shall call special meeting.

SECTION 2. Section 2 of said act is hereby amended so as to read as follows: Section 2. Upon the petition of at least ten freeholders of said town of Fredonia, stating the object of said meeting as set forth in section 1 of this act, and naming therein the sum to be raised, it shall be the duty of the supervisors of said town to call a special town meeting to vote on the question of the raising of such sum for that purpose.

conduct-

SECTION 3. The said special town meeting shall be called, conducted and the votes counted as is now provided by law for holding special town meetings to raise special taxes, and the votes then cast at such election shall have written or printed or partly written or printed on them the words: "For building the bridge," or "Against building the bridge."

SECTION 4. If a majority of the votes cast at such election shall be "for building the bridge," then it shall be the duty of said town board to add to the next tax roll of said town the sum so voted, and to expend the same or so much thereof as may be necessary to defray one-half of the expenses of building said bridge as aforesaid.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 15, 1882.

[No. 170, A.] [Published March 21, 1882.]

CHAPTER 123.

AN ACT to amend section 4167 of the revised statutes, relating to evidence.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 4167 of the revised statutes is hereby amended so as to read as follows: Section 4167. A certificate of the Secretary of State substantially in the following form:

Office of the Secretary of State.

——— A. D. ———

I hereby certify that from the books, files and records of the office of the commissioners of public lands, it appears that on the —— day of ——. A. D. ——, the following described real estate, situate in the state of Wisconsin, viz: ——, was duly transferred by the United States to the state of Wisconsin, and that on the —— day of —— A. D. ——, the above described real estate was duly transferred by the state of Wisconsin to ——.

In witness whereof I have hereunto set my hand and affixed the great (or lesser) seal of the State, this —— day of ——, A. D. ——.

—— —— Secretary of State.

shall be received as presumptive evidence of the facts stated, and that the person named became vested at the date stated with an absolute title in fee to the lands described.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 373, A.] [Published March 20, 1882.]

CHAPTER 124.

AN ACT to amend section five (5) of chapter twenty (20) of the general laws of the state of Wisconsin for the year 1878 entitled "an act to constitute the clerk of the circuit court of Eau Claire county, Wisconsin, clerk of the county court of said county in probate and all other proceedings therein."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section five (5) of chapter twenty (20) of the general laws of the state of Wisconsin for the year 1878 is hereby amended by striking out the words "two hundred dollars" where they occur in the last line of said section and inserting in lieu thereof the words "three hundred dollars," so that said section shall read as follows: Section 5. The said clerk shall receive for all services rendered and performed by him under the provisions of this act in the administration of the estates of deceased persons and in the appointment of guardians to minors, the same fees as are allowed by law for similar services in the circuit court, to be paid from the county treasury; provided, that the aggregate amount of such fees to be so taxed and paid in any one year shall not exceed three hundred dollars. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 201, A.] [Published March 18, 1882.]

CHAPTER 125.

AN ACT changing the time for holding the general term of the ninth judicial circuit for the fall term of the county of Sauk therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 2424, chapter 113 of the revised statutes of the state of Wisconsin is hereby amended so far as relates to the holding of the general term of the circuit court in the ninth judicial circuit for the county of Sauk so that the same when amended shall read as follows: "In the county of Sauk on the third Monday in March and the third Monday in September."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1882.

[No. 237, S.] [Published March 17, 1882.]

CHAPTER 126.

AN ACT to enable the city of Fond du Lac to refund or retire its present bonded indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May readjust bonded indebtedness.

SECTION 1. The common council of the city of Fond du Lac are hereby authorized and empowered, by ordinance or resolution, to issue new bonds for readjusting the bonded indebtedness of said city, and retiring all, or any portion of its present outstanding bonds to an amount not exceeding the principal of the outstanding bonds so retired.

Bonds issued as the council shall prescribe.

SECTION 2. The bonds issued under this act shall be in such form, proper to carry out the conditions of the ordinances or resolutions under which they shall be issued as the common council shall prescribe; shall be signed by the mayor and city clerk, and sealed with the corporate seal; shall bear interest at the rate of not to exceed six per centum per annum, payable annually or semi-annually, as the common council shall prescribe; and be made payable at some stated place within the state of Wisconsin, in not to exceed 20 years from their dates; and shall bear date and draw interest from the date of the retiring of said outstanding bond or bonds.

Shall not be issued only as specified.

SECTION 3. Such new bonds shall not be issued for any purpose excepting the special purpose of refund-

ing the present bonded indebtedness of said city; and shall be sold for not less than their face value; and the proceeds shall be only used for the discharge of the principal of any of the outstanding bonds of the city, or they may be exchanged for the principal of any outstanding bonds of the city, at a par value of each; and in no case shall the bonded indebtedness of said city be increased by said exchange; nor shall any amount of bonds be sold unless an equal amount of the principal of outstanding bonds shall then be payable, or offered for exchange or redemption, and be actually and simultaneously exchanged or redeemed.

What ordinance shall provide.

SECTION 4. Such ordinance or resolution shall provide for the collection of a direct annual tax in addition to all other taxes sufficient to pay the interest on such bonded debt as it falls due, and also to pay and discharge the principal thereof at the time of the maturity of said bonds respectively, and within 20 years from the time of contracting said bonded indebtedness; and every such tax shall be after the issue of said bonds irrepealable, and shall be annually levied and collected, and the money raised thereby shall be kept as a separate fund, irrevocable pledged to such purposes, and shall not be employed in any other.

SECTION 5. None of the acts or proceedings required or provided for in and by chapter 41 of the revised statutes of Wisconsin and act or acts amendatory thereof, or by any other general law or laws of the state of Wisconsin, shall be necessary or applicable to the issuance, sale or exchange or other conditions of the bonds herein provided for.

SECTION 6. This act shall take effect from and after its passage and publication.

Approved March 16, 1882.

[No. 81, S.] [Published March 20, 1882.]

CHAPTER 127.

AN ACT to amend chapter 97 of the private and local laws of 1868, entitled an "act to incorporate the Saint Clara Female Academy."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 3 of chapter 97 of the private and local laws for the year 1868, entitled "an act to incorporate the Saint Clara Female Academy," is hereby amended so as to read as follows: Section 3. The said female academy shall be located at Sinsiniwa

Mounds, Grant county, Wisconsin, and the trustees of said academy shall have power to establish and maintain a branch or branches in the counties of La Fayette and Dane, in this state, such branch or branches to be designated by such name as the said trustees may prescribe, and diplomas may be issued by the said trustees from the said academy or any and all of its branches, by or under the name of such academy or any branch thereof. All branches thereof shall be under the control and management of the said trustees of said corporation. The provisions of this section shall apply as well to any branch or branches of the said academy that have been heretofore established and maintained in this state as to those which may hereafter be so maintained and established.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1882.

[No. 112, S.] [Published March 20, 1882.]

CHAPTER 128.

AN ACT to authorize the Chippewa Valley & Superior Railway company its successors and assigns, to build, construct and maintain a bridge for railway purposes over and across the Chippewa river, in the county of Dunn, and state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May build a bridge.

SECTION 1. The Chippewa Valley & Superior Railway Company, its successors and assigns, is hereby authorized to build, construct and maintain a bridge for railway purposes over and across the Chippewa river on section twenty-nine (29), in township twenty-six (26) north, of range twelve (12) west, in the county of Dunn, and state of Wisconsin; and for such purpose may erect piers and drive piles and build embankments and approaches in said river and on the banks thereof necessary for the proper and convenient construction and maintenance of such bridge; provided, that a suitable draw be built and maintained in said bridge for the passage of boats, and that said bridge be so constructed as not to materially interfere with the free navigation of said river or the running of rafts, logs, timber or lumber.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1882.

[No 111, S] [Published March 18, 1882.]

CHAPTER 129.

AN ACT to authorize the Chippewa Valley & Superior Railway Company, its successors and assigns, to build, construct and maintain a bridge for railway purposes over and across the Chippewa river in the city of Eau Claire, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May maintain a bridge.

SECTION 1. The Chippewa Valley & Superior Railway Company, its successors and assigns, is hereby authorized to build, construct and maintain a bridge for railway purposes over and across the Chippewa river, in the city of Eau Claire, in the county of Eau Claire and state of Wisconsin, from block eleven (11) of the village plat of the village of Westville, in said city, across to lot four (4), in section thirty (30), in township number twenty-seven (27) north, of range nine (9) west, in the city of Eau Claire aforesaid, and for such purpose may erect piers and drive piles and build embankments and approaches in said river and on the banks thereof, necessary for the proper and convenient construction and maintenance of such bridge; provided, that a suitable draw be built and maintained in said bridge for the passage of boats, and that said bridge be so constructed as not to materially interfere with the free navigation of said river, or the running of rafts, logs, timber or lumber.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1882.

[No. 30, S.] [Published March 20, 1882]

CHAPTER 130.

AN ACT to provide for attending, maintaining and keeping in repair draw or swing bridges that may be constructed over or across the line between a city and a town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Swing or draw bridge.

SECTION 1. Whenever a swing or draw bridge shall have been built upon or across the division line between any town and city in this state, so that a part of such bridge shall be in the town and a part in the city, and the expense of building the same shall have been borne equally by such town and such city, the expense of attending such bridge, and maintaining and keeping the same in repair shall be borne by the town and the city equally.

Expense shared.

SECTION 2. If either such town or such city shall neglect to provide for or to pay its share of such expense, in any year, or any part of its share, then the other, the town or the city, as the case may be, may provide for or pay such part of such expenses as are not provided for, or paid, as aforesaid, and upon such payment shall be entitled to have and recover of the town or the city in default, as the case may be, all moneys so paid, with interest from the time of paying the same, and in case the town or city so in default shall neglect or refuse, for thirty days after demand, to pay such sum to the town or city so entitled to the same, such last named town or city shall recover the same with all proper costs and expenses, in an action against the city or town so in default in any court having jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1882.

[No. 235, S.] [Published March 20, 1882.]

CHAPTER 131.

AN ACT to provide for the conveyance of persons committed to any hospital for the insane by relatives or friends.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Conveying people to insane hospitals.

SECTION 1. If any relative or friend, being of legal age and competent to perform the duty of any person committed to any hospital for the insane shall so request, the warrant for such commitment may be delivered to and executed by him, for which he shall be paid his necessary expenses, not exceeding the fees and expenses now allowed to sheriffs according to law; otherwise it shall be delivered to the sheriff, who, taking such assistants as the courts issuing such warrants may deem necessary, shall receive such insane person and convey him to the hospital.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1882.

[No. 148, A.] [Published March 21, 1882.]

CHAPTER 132.

AN ACT relating to the city of Portage, and codifying, consolidating and amending the act of incorporation and all acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BOUNDARIES.

SECTION 1. All the district of country in the county of Columbia contained within the boundaries hereinafter described shall be a city by the name of "Portage," and the people now inhabiting and those who shall hereafter inhabit said district shall be a municipal corporation, the name of which shall be "The city of Portage." Said corporation shall have the general powers possessed by muncipal corporations at common law, and in addition thereto the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded in all courts, and shall have a common seal and may change the same at pleasure. Corporate powers.

SECTION 2. The territory included within the following boundaries shall constitute said city of Portage, to wit: Beginning at a point in the center of Fox river, where the east and west quarter line of section number thirty-three (33), of township number thirteen (13), north of range number nine (9) east, intersects the center of said river, running thence west along the quarter line through sections number thirty-three (33), thirty-two (32), and thirty-one (31), of township number thirteen (13), north of range number nine (9) east, to the center of section number thirty six (36), of town thirteen (13) north, of range eight (8) east, thence south along the quarter line through section thirty six (36), of town thirteen (13) north, of range eight (8) east, and sections one (1) and twelve (12), of town twelve (12) north, of range eight (8) east, to the south quarter post of section twelve (12), in town twelve (12) north, of range eight (8) east, thence east along the south line of said section twelve (12), and of sections seven (7), eight (8) and nine (9), in town twelve (12) north of range nine (9) east, to the south quarter post of said section nine (9); thence north along the quarter line through sections nine (9) and four (4), till it intersects the easterly line of claim number twenty-one (21), known as Boundaries.

Grignon's claim, thence northeasterly along the east side of said claim to the center of Fox river, thence down Fox river along the center thereof to the place of beginning.

Ward boundaries.

SECTION 3. The said city shall be divided into five wards, the boundaries of which, for the present and until changed as hereinafter provided, shall be as follows, to-wit: All that portion of the city lying south and east of the canal connecting the Fox and Wisconsin rivers and north of the Wisconsin river, shall constitute the first ward; all that portion of the city lying north of said canal and east of Adams street, extended in a straight line to its intersection with the new Pinery road, and east of said new Pinery road, extended north to the north line of said city, shall constitute the second ward; all that portion of the city commencing at the canal bridge on Wisconsin street, running thence northwesterly along Wisconsin street to its intersection with Mac street, thence northerly along Mac street to its intersection with the railroad track of the Chicago, Milwaukee & St. Paul Railway, thence easterly along said railroad track to its intersection with Adams street, thence in a southerly direction along Adams street to the said canal, thence along said canal to the place of beginning, shall constitute the third ward; all that portion of the city which is bounded and described as follows, to-wit: Beginning on the northerly bank of the Wisconsin river, in the center of Cass street, running north through the center of said Cass street to the track of the Chicago, Milwaukee & St. Paul railroad, thence east along said track to the center of Mac street, thence south through the center of Mac street to the center of Wisconsin street, thence southeasterly through the center of said Wisconsin street to the canal which connects the Fox and Wisconsin rivers, thence westerly and northerly along said canal and river to the center of said Cass street, the place of beginning, shall constitute the fourth ward; all that portion of the city which is bounded and described as follows, to-wit: all that part of said city which lies west and south of the Wisconsin river, and all that part of the city which lies west of said Cass street, and south of said railroad track, and all that part of the city which lies north of said railroad track, and west of the new Pinery road, shall constitute the fifth ward. The council shall have power to change said lines of division as it may deem convenient and proper, but no such change

shall be made within the three months next preceeding any charter election.

SECTION 4. The corporate authority of said city shall be vested in one principal officer styled the mayor; in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, and in such other officers as are hereinafter provided for or may be created under this act. Corporate authority, in whom vested.

ELECTIONS.

SECTION 5. The annual election for city and ward officers shall be held on the first Tuesday in April of each year, at such place in each ward as the council shall designate. Not less than five days' notice shall be given of the time and places of holding all elections, and of the officers to be elected, by publication in the official city paper. All elections under this charter shall be conducted in the same manner as the general elections for state and county officers, and the qualifications of voters shall be the same as at such general election. In case a special election is to be held in the city other than for ward purposes, the council may order a single poll for the entire city, and appoint the place where the election is to be held, and the inspectors of election and clerks therefor. Each ward officer shall be a qualified elector in the ward in which he is elected and each city officer shall be a qualified elector in the city. Elections.

SECTION 6. The officers to be elected by the people shall be a mayor, treasurer, marshal, clerk, assessor, a superintendent of schools, three justices of the peace, and three constables for the city, and two aldermen for each ward. All other necessary officers shall be appointed by the council. All elective officers, except justices of the peace and aldermen, shall, unless elected to fill a vacancy, hold their respective offices for one year, and until their successors are elected and qualified; provided, however, the council shall have power, for due cause, satisfactory to them, to expel any of their own number, and to remove from office any officer or agent of the city except justices of the peace, due notice and an opportunity for a hearing having been first given to the officer proposed to be removed. Justices of the peace shall hold their offices for two years, and until their successors are elected and qualified. The term of office of every officer elected under this act shall commence on the second Tuesday in April of the year for which such officer is elected, Officers to be elected. Term of office.

except that of superintendent of schools, which shall commence on the second Tuesday of July, next succeeding his election, and the term of office of all appointed officers shall expire on the second Tuesday of April next succeeding their appointment, unless sooner removed.

When vacancy shall occur.

SECTION 7. Whenever a vacancy shall occur in the office of mayor or alderman, the council may order a new election, and shall give five days' notice thereof. Vacancies in other offices shall be filled by the council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SECTION 8. In all elections by the people a plurality of votes shall constitute an election. In case two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct.

Insufficient qualifications.

SECTION 9. Whenever any officer shall cease to possess the qualifications necessary for his election, his office shall be deemed vacant; and any officer who shall neglect or refuse to qualify within ten days from the time he shall be notified of his election shall be deemed to have vacated his office.

Inspectors shall make returns.

SECTION 10. Whenever an election shall be held under this charter, the inspectors of election shall forthwith make their returns, stating the number of votes cast for each person for each and every office, to the city clerk. Within one week after an election, the council shall meet and canvass said returns, and declare the result as it shall appear from the same. The clerk shall thereupon immediately give notice to the persons elected, of their election.

Terms of office.

SECTION 11. Aldermen shall hold their office for the term of two years, one of whom, from each ward shall go out of office annually.

OFFICERS — THEIR POWERS AND DUTIES.

Powers and duties of officers.

SECTION 12. Every person elected or appointed to any office under the city charter except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the clerk of the city; and the clerk, marshal, constable, and

such other officers as the council may direct shall severally, before they enter upon the duties of their respective offices, execute to the city of Portage a bond, with at least two sureties, who shall swear that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bond shall contain such penal sums and such conditions as the council shall deem proper. The treasurer, before entering upon his duties, shall also execute a bond, with at least two, and not more than ten, sureties. The penal sum expressed in such bond shall exceed the amount of the last annual tax roll, and each surety shall swear that he is worth a certain amount over and above all debts, liabilities or exemptions, and the aggregate of such amounts shall at least exceed the penal sum specified in the bond. The council may, from time to time, require new or additional bonds from the treasurer or other officer of the city; and the council may remove from office any officer refusing or neglecting to give the same. Justices of the peace shall qualify in the same manner as in towns, except that their bonds shall be approved by the council.

Duties of mayor.

SECTION 13. The mayor shall, when present, preside over the meetings of the common council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and to appoint a marshal in place of the one he may remove, but the term of office of a marshal who may be appointed by the mayor shall not commence until his nomination has been approved by a majority of the council. The mayor shall have a vote in the council only in case of a tie, except when the council shall be engaged in the election of any officer, in which proceeding he shall have a vote the same as an alderman. When presiding over the council his style shall be "Mr. President."

Powers of mayor.

SECTION 14. The mayor shall have power to veto any ordinance, act or resolution passed by the council, or the allowance of any claim by notifying the council

of his objections thereto, at any time, within seven days after the passage of such ordinance or resolution. in case of no session of the council on any day after the passage of the same and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council, by giving notice in the same manner as other special meetings are called, to consider such veto and objections, and in case the council shall not within one week after receipt of such objection or such filing with the clerk, re enact such ordinance, or pass such resolution by the vote of two-thirds of the aldermen-elect, the same shall be null and void. If the mayor shall not return any ordinance, act, resolution or claim within seven days after the passage or allowance thereof, it shall take effect in the same manner as if he signed it.

Shall elect president.

SECTION 15. At the first meeting of the council after its election in each year, it shall proceed to elect by ballot, one of its members president, and in the absence of the mayor, the said president shall preside over the meetings of the council; and during the absence of the mayor from the city, or his inability for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case both the mayor and president shall be absent at any meeting of the council it shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council or performing the duties of mayor, shall be styled acting mayor, and any acts performed by him shall have the force and validity as if performed by the mayor.

Duties of clerk.

SECTION 16. The clerk shall keep the corporate seal, and all papers and records of the city, and keep a record of the proceedings of the council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the council, and keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting, the council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations.

SECTION 17. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the council shall direct. He shall report to the council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties and be subject to the same liabilities as treasurers in towns. No person having been city treasurer for two years in succession shall be eligible to a re-election until one year shall have elapsed, nor shall any person who has been city treasurer be appointed deputy treasurer for the term immediately succeeding his term of office. The salary of the treasurer shall not exceed $400 per annum and shall be payable quarterly. Duties of treasurer.

SECTION 18. The marshal shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed by the mayor and when necessary, in criminal cases, or in case of the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service, but he shall receive no fees for services performed in behalf of the city. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinance of said city. He shall have the power to appoint one or more deputies, to be approved by the council, but for whose official acts he shall be responsible, and of whom he may require a bond for the faithful discharge of their duties. Duties of marshal.

SECTION 19. The council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein pre- May require other duties.

scribed; and to appoint such other officers as may be necessary to carry into effect the provisions of the city charter, and to prescribe their duties, and to fix the compensation of all officers appointed by them where the compensation is not fixed by statute. The council shall, at least ten days before the annual charter election in each year, fix, by resolution, the salary which shall be paid to the clerk, treasurer, marshal, assessor, and school superintendent for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected, neither shall extra compensation be granted except by unanimous vote of the council, which vote shall be approved by the mayor.

Official newspaper.

SECTION 20. The council, at the first meeting after its election, or as soon thereafter as practicable, shall designate a newspaper, printed in said city, which shall be the official paper of the city, in which shall be published all ordinances and other matters required by the city charter or the by-laws or ordinances of the city to be published in a newspaper.

Official publication filed with clerk.

SECTION 21. The city printer or printers immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of his or their foreman of the length of time the same has been published; and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution, as stated in such affidavit.

Shall deliver to successor.

SECTION 22. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held he shall forfeit and pay to the use of the city a sum not exceeding one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

Shall not be interested in any job.

SECTION 23. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which an alderman may be so interested shall be null and void; and in case any money shall have been paid by or for the city on any such contract, the council may sue for and recover the amount so paid; provided, however, that this section shall not prevent the council from leasing any of the public

grounds of the city in such manner and to such parties as it may see fit to do. The mayor of the city shall, when the council votes to lease any of the public grounds, execute a lease of such grounds. The said lease shall be signed by the mayor and countersigned by the city clerk, and be sealed with the corporate seal of the city and be duly witnessed and acknowledged, as is provided for the execution of deeds and conveyances.

Officers of the peace.

SECTION 24. The mayor or acting mayor, sheriff of Columbia county, and each and every alderman, justice of the peace, marshal, constable and watchman shall be officers of the peace and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and, for such purposes, may command the assistance of all bystanders, and, if need be, of all citizens; and if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace, when so required, every such person shall pay a forfeiture of not more than fifty dollars; and in cases where the civil power may be required to suppress riotous or disorderly behavior, the superior or senior officer present in the order above mentioned in this section, shall direct the proceedings.

City engineer.

SECTION 25. The council may elect a city engineer, and prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the city clerk and shall be open to the inspection of the public.

Actions brought in the corporate name of city.

SECTION 26. All actions to recover any penalty or forfeiture under the city charter, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All forfeitures and penalties collected by any justice in such cases shall be paid over to the city treasurer. Each justice shall report to the council on the first Monday in January, April, July and October in each year, a statement of all such forfeitures and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

SECTION 27. Any officer may resign his office by filing his written resignation with the clerk; and such resignation shall take effect and his office shall be

deemed vacant from the time such resignation shall be accepted by the council.

Regarding bonds.

SECTION 28. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made by the city, nor shall any officer, required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by the city charter provided.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Powers and duties.

SECTION 29. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Portage do ordain," etc. The council shall meet at such time and place as it shall fix upon. A majority of the aldermen shall constitute a quorum.

Stated meetings.

SECTION 30. The council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places of business or abode. The council shall determine the rules of its own proceedings, and have power to compel the attendance of absent members.

Control of finances.

SECTION 31. The council shall have the management and control of the finances, and of all the property of the city; and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules or by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolutions or by-laws:

Licenses.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, pool tables, bowling saloons, and to provide for the abatement and removal of all nuisances

under the ordinances or at common law; and to grant licenses, and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

2d. To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors unless duly licensed by the council. Gaming, etc.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. Riots, etc.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. Nauseous places.

5th. To direct the location and management of slaughter houses and markets, and regulate the storage, safe keeping and conveying of gunpowder or other combustible materials. Slaughter houses.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with carriages, carts, wagons, sleighs, boxes, lumber, fire wood, or any other material or substance whatever. Encumbering streets.

7th. To prevent horse racing, and immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. Prevent horse racing.

8th. To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to prevent the keeping of swine within any portion of the city where their presence may be offensive to the inhabitants in the vicinity, or may be regarded as nuisances. Restrain cattle.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance. Dogs.

10th. To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by the owner thereof, or by the per- Putrid carcasses.

son who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default, to authorize the removal thereof by some competent officer at the expense of such person or persons.

License hacks, etc.

11th. To regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen, and cartmen in the city.

Boards of health.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation. In case the original plat of any grounds laid out and used as a cemetery shall not have been recorded, such original plat or a certified copy thereof may be filed by the party making the same, or his heirs, administrators, or legal representatives, or by any officer of said city, to whom the same may be delivered for the purpose of being filed and recorded, and all sales and conveyances made in accordance with said plat before the same was filed and recorded, shall have the same force and effect as they would have been entitled to had said plat been in the first instance filed and recorded.

Bread.

13th. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Animals on sidewalks.

14th. To prevent all persons from riding, or driving any ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing any damage to such sidewalks.

Discharging fire arms, etc.

15th. To prevent the shooting of firearms or firecrackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Drunkenness.

16th. To restrain drunkards, immoderate drinking, vulgarity, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Runners, etc.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses, or other establishments, and to regulate the police of the city.

Public markets.

18th. To establish public markets, and to make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets and to restrain all persons from intercepting or interfering with the due observance of such rules and regulations.

19th. To license and regulate butcher's stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish, and other provisions. Butchers.

20th. To regulate the place and manner of the weighing and selling of fuel, hay, and lime, and to appoint suitable persons to superintend and conduct the same. Selling fuel, etc.

21st. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Remove snow, dirt, etc.

22d. To regulate, control and prevent the landing of persons from railroad cars, boats or vessels, wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Contagious diseases.

23d. To license auctioneers, peddlers and transient dealers, and to regulate the time, place and manner of holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers, peddlers and transient dealers License auctioneers.

24th. To appoint watchmen and prescribe their powers and duties, but the powers of watchmen in making arrests and in taking prisoners before magistrates and committing them to jail shall be the same as those of constables. Watchmen.

SECTION 32. All ordinances shall be passed by an affirmative vote of a majority of the council, and shall be signed by the mayor, and shall be published in the official paper of the city, but no ordinance shall be in effect until ten days after its publication, and within fifteen days after such publication, they shall be recorded by the city clerk in books provided for that purpose; but before any of the said ordinances shall be recorded, the publication thereof respectively within the time hereinbefore provided shall be proved by the affidavit of the foreman or publisher of such newspaper and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. Ordinances, how passed.

SECTION 33. The powers conferred upon the said council to provide for the abatement or removal of

nuisances shall not bar or hinder suits, prosecutions or proceedings according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, are hereby declared and shall be deemed public or common nuisances.

Audit and adjust accounts.

SECTION 34. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, marshal, and all other officers and agents of the city, at such time as it may deem proper, and also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired; and the council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his moneys, books and vouchers to said council, it shall be the duty of the council to declare the office of such person vacant; and the council shall order suits and proceedings at law against any officer or agent of the said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

STREETS, ALLEYS, ETC.

Grading streets, alleys.

SECTION. 35. The council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge or extend the same, and to use lands in said city for the purpose of constructing and repairing sewers and drains, as follows: Whenever ten or more freeholders residing in any ward shall, by petition, represent to the council that it is necessary to take certain lands within the ward where such petitioners reside for public use, for the purpose of laying out public squares, grounds, streets, or alleys; or enlarging or widening the same, or to use certain lands within the ward for the purpose of constructing and repairing sewers and drains, giving the courses and distances, metes and bounds of the lands proposed to be taken or used as aforesaid together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, the council shall, if

it deems it necessary to take or use such lands for the purpose specified in such petition, cause notice of such application to be given to the owners of such land, in case such owner or owners shall reside in the city of Portage, and to the occupant or occupants of such land, if any there be, which notice may be served personally or by leaving the same at the place of business or at the residence of such owner or owners, occupant or occupants; or if any portion of such lands shall not be in the actual occupation of any person, then the council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper of the city, for four successive weeks, at least once in each week.

What notice shall state.

SECTION 36. Such notice shall state that on a certain day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the county judge of the county of Columbia for the appointment of twelve jurors to view said premises, and to determine whether it will be necessary to take or use the same for the purposes specified in said petition. Should any of the lands proposed to be taken or used belong to the county judge, the application shall be made to the sheriff of the county.

Appoint jurors.

SECTION 37. Upon presentation of such application and upon proof of the publication or service of the notice hereinbefore required, the said judge or sheriff, as the case may be, shall thereupon appoint as jurors twelve reputable freeholders, residents of the city, but not residents of the ward in which such premises lie, nor interested in the result of such application. The said judge or sheriff shall thereupon issue his precept directed to said jurors, requiring them within thirty days from the date thereof to view such premises, to be specified in said precept, and to make return under their hands to the council, whether in their judgment it is necessary to take or use said premises for the purposes specified in such application.

If jurors refuse to act.

SECTION 38. If any juror so appointed shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award, the judge or sheriff shall appoint another in his place, and a memorandum of such substitution shall be endorsed on the precept.

How to proceed.

SECTION 39. The said jurors, having first taken the oath hereinafter provided for, shall at such times as

they may agree, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses.

Viewing the premises.

SECTION 40. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceedings, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take or use the premises in question for the public use; which said report, testimony and precept shall be returned to the council within the time limited therein.

Report of jurors.

SECTION 41. Should the jurors report that it is necessary to take or use such premises, the council shall, if it approves such report, enter an order among its proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what premises will be benefited by such taking, and to assess and return within the time limited such damages and benefits to the council; provided, however, that in case of sewers and drains the said jurors need not view the premises to be benefited or assess the benefits thereon.

In case buildings are on the lands.

SECTION 42. If there should be any buildings standing, in whole or in part upon the lands to be taken or used, the jurors, before proceeding to make their appraisements, shall first estimate and determine the whole value of the land, and secondly, the value of such buildings to remove, except in cases of sewers and drains.

Notice to be given.

SECTION 43. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in the official paper of the city, three successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear on a day to be therein named, and give notice of their election to the council, either to accept the award of the jurors, and allow such building to be taken, with the land appropriated,

or of their intention to remove such building, at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for that purpose as the council may allow.

If owner refuses to take building.

SECTION 44. If the owner refuses to take the building at the value to remove, or fails to give notice of his election as aforesaid within the time prescribed, the council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer, for the use of the owner, and shall thereafter be paid over to the owner on his application therefor, provided it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

Jurors shall view premises.

SECTION 45. The said jurors, within the time limited, shall view and examine the premises proposed to be taken or used, and all such other premises as will in their judgment be benefited thereby; provided, however, that in case of sewers or drains the said jurors need not examine the lands benefited. After hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used, and the injury arising to them respectively in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building or buildings (if the property of the owners of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

If benefits be greater than damages.

SECTION 46. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the jurors shall strike a balance and carry the differences forward to another column, so that the assessment will show what amount is to be received or paid by such owner or owners respectively, and the difference only shall in any case be collected of them or payable to them.

If belonging to different persons.

SECTION 47. If the lands or buildings belong to different persons, or be subject to lease, judgment, mortgage, or other incumbrance, if there be any estate in it less than an estate in fee to such person or interest respectively, the injury done shall be awarded to the person entitled thereto by the jurors, less the benefits resulting to such interests respectively from the proposed improvement.

Jurors shall apportion.

SECTION 48. Having ascertained the damages and expenses of the proposed improvements as aforesaid the jurors shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefited in proportion to the benefits resulting thereto from the proposed improvement as nearly as can be, and shall describe the real estate upon which their assessment may be made and state the amount assessed upon each separate tract; provided, however, that when the lands are used only for the purpose of a sewer or a drain the damages shall not be assessed upon the lands benefited, but shall be paid by the city as provided by law. The award of the said jurors shall be signed by them and returned, together with the testimony taken, to the council within the time limited, in their order of appointment, and shall be final unless appealed from in the manner hereinafter provided.

Land shall be taken and apportioned.

SECTION 49. The land required to be taken or used for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the parties interested shall be paid or tendered to them or their agents, or, in case said parties or agents cannot be found or are unknown, deposited to their credit in some safe place of deposit to be determined by the council; and then, and not before, such lands may be taken or used and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then, in that case, the said city shall have power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains.

Covenants void.

SECTION 50. When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance shall be taken or used by virtue of the city charter, all the covenants, contracts or liabilities relating to the same or any part thereof shall, after the ex-

piration of the time for appeal, as herein provided, respectively cease and be absolutely discharged.

When only a part is taken.

SECTION 51. When only part of the lot or tract of land or other premises so under lease or other contract or incumbrance shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrances shall be absolutely discharged as to the part thereof so taken, or used, but shall remain valid as to the residue thereof; and the rents, liens and payments due from or on account of the same, shall be so appropriated that the part thereof justly and equitably payable for such residue, and no more, shall be paid or recoverable for or in respect of the same.

Damages on each separate lot shall be assessed.

SECTION 52. The damages assessed on each separate lot or tract shall be paid or tendered or deposited as herein required within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid shall be void, the benefits so assessed from the expiration of the time for appeal shall become a lien upon the premises upon which they are assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for city improvements are collected. The amount so collected shall be held by the city as a special fund for the payment of the damages aforesaid, and shall be paid out for that purpose and no other.

Infants in law.

SECTION 53. When any known owner of lands or tenements affected by any proceedings herein provided for shall be an infant or labor under disability, the judge of the circuit court of Columbia county, or the county judge may, upon the application of the council or such party by his next friend, appoint a guardian for such party, and all notices required by the city charter shall be served upon such guardian in the same manner as if he were the party interested.

Jurors shall each take an oath.

SECTION 54. The jurors herein provided for shall, before entering on the discharge of their duties, severally take an oath, before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned the county judge shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve.

Appeal.

SECTION 55. The council or any party interested may, within twenty days from the return of the jurors to the council of the benefits and damages so assessed, appeal to the circuit court of Columbia county from the decision of said jurors so far as it affects the interests of said appellants. Notice of such appeal shall be filed by the appellant with the clerk of said court, within twenty days above mentioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct.

Assessment of damages.

SECTION 56. In case the total amount of damages and costs awarded by the jurors, and which formed the basis of their assessment, shall be increased by any proceedings subsequent to the return of said assessment to the council, and founded thereon, such additional sum shall, as soon as such proceedings are finally determined, be assessed by the city clerk, under the direction of the mayor and council, upon the land upon which the first assessment was made, in the same proportion as such first assessment, and shall be collected in the same manner.

Survey.

SECTION 57. Whenever any streets, alleys or public grounds shall be laid out or extended, or sewers or drains constructed, under the provisions above, the council shall cause an accurate survey and profile thereof to be made, and filed in the office of the city clerk.

Vacating streets, alleys, etc.

SECTION 58. No street or alley, or part thereof shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley in the block in or along which such street or alley runs; but the boundaries of streets may be changed upon petition to the council by parties interested.

Change the name of streets.

SECTION 59. The council shall have power to change the name of any street and to vacate any plat or portion thereof that may be petitioned for by the proprietors of such plat, or any person interested therein; but no petition for such vacation shall be acted upon unless notice of such application to the council shall have first been published in the official city paper for at least two weeks prior to the meeting of the council.

Shall not apply to unplatted lands.

SECTION 60. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Directory on'y.

SECTION 61. All the directions given in the foregoing sections from 34 to 59 inclusive, shall be deemed only

directory, and no error, irregularity or informality of any of the proceedings thereunder, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CITY IMPROVEMENTS.

City improvements.

SECTION 62. The council shall have power to order and contract for the making, grading, paving, macadamizing, repairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, drains and sidewalks in the manner hereinafter mentioned and direct and control the persons employed therein.

Cost of surveying streets, etc.

SECTION 63. The cost and expense of surveying streets, alleys, sidewalks, drains and sewers, and of estimating work thereon in the execution of any public improvement and of repairing streets, shall be charged to and payable by the city. The cost and expense of opening, grading and paving or macadamizing streets and alleys and constructing or repairing sidewalks shall be chargeable to and payable by the lots fronting on such street or alley, so that each lot or parcel of land shall pay for the work done between the front of such lot or tract of land and the center of such street or alley. Sewers and drains may be ordered by the council, and all costs and expenses as well as the damages which shall be sustained by owners of lands through which the same shall pass shall be charged to and payable by the city.

City improvements, how made.

SECTION 64. Whenever the council shall determine to make any public improvement, as authorized by the two preceding sections, it shall fix the time wherein which such work shall be done, and shall give notice by advertisement, to be published once a week for three successive weeks in the official paper of the city, to the owners or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be improved, requiring them to do the work mentioned in such notice within the time fixed by the council for the doing of the same, to be therein specified. If said work shall not be done within said time, the street commissioner shall immediately proceed to advertise and contract for doing the same at the expense of the lots upon which such work is chargeable. Proposals shall state a gross amount for doing the work in front of any lot, and the contract shall be awarded to the lowest responsible bidder. This section shall apply to streets which have heretofore been ordered graded as well as to streets which may hereafter be ordered graded. The council may direct the letting of such

work in whole or in part; all bids for doing the same to be approved by the mayor, who shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as he shall direct; such contract shall be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving bids under this section shall be published for ten days in the official paper of the city.

Paving streets, etc.] SECTION 65. Whenever the council shall require any street to be paved or macadamized, or any gutter to be constructed, it shall determine the manner in which the work shall be done, and of what material, and the street commissioner or such other person or officer as the council may designate to have charge of the work shall let a contract for doing the whole of such work. Public notice of the letting of such contract shall be given by advertisement in the official paper of the city for at least twenty days, and the contract shall be awarded to some responsible bidder whose bid it shall deem most reasonable and proper. The cost of such paving or macadamizing, or of constructing such gutter, shall be chargeable to the lots fronting on the street, so that each lot or parcel of land shall bear its proportionate amount of the expense of such paving or macadamizing, or of constructing such gutter according to its frontage on the street, but the expense of all engineering and grading necessary to be done to prepare a street for paving or macadamizing, or the constructing of a gutter, shall be payable by the city.

If no bids are received.] SECTION 66. In case no bids shall be received for the performance of any work required to be done by order of the council it may cause such work to be done under the supervision of the street commissioner or a committee of the council, and the expense for doing the same shall be apportioned and assessed to each lot, according to its frontage on the street, and the amount shall be collected in the manner provided for the collection of other special taxes.

Deep cuttings, etc. SECTION 67. Whenever the general interest of the city requires deep cutting or extraordinary filling in any street, and the owners of the lots or lands affected by such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council, in writing, within twenty days after the passage of the ordinance requiring the work to be done, that

the expenses of such excavation or filling will exceed the proportion that should be justly and equitably charged upon the property assessed therefor, the council shall require the marshal to summon five freeholders, not residents of the ward, nor owners of nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and if, in their opinion, the costs of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and to what lots and parts of land on the streets so improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof as soon as practicable, in writing, to the council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided in case such owners shall not do such work and the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit as determined by said jury; the sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment in the same manner as other special assessments for city improvements are collected; provided, that should said jury find that said petititioners were not entitled to any division of the expense as assessed upon their lots or parcels of land, then the expense of all proceedings under this section shall be paid by said petitioners, and the council may require a bond for the payment of the same on the filing of the petition; provided, also, that the petition of no owner, feeling himself aggrieved, shall be received unless the same shall be presented within twenty days after the publication of the notice requiring the same to be done; and provided further, that when it shall appear to the council that any such lands belong to non-residents, infants, or persons under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands, to the amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

Notice to owners of lots.

SECTION 68. The council shall give written notice to all owners or occupants of lots upon which stagnant

waters may be, which may be deemed injurious to health by reason thereof, to abate such nuisance by draining or filling such lot within a reasonable time to be specified in such notice, and if such nuisance shall not be abated or removed within the time so specified, the council shall cause the same to be abated and removed at the expense of the property upon which the same may exist.

Payment for work.

SECTION 69. After the completion and performance of any contract entered into by the street commissioner for work chargeable to lots or lands by virtue of this act, he shall give the contractor or contractors a certificate under his hand, stating therein the amount such contractor is entitled to, and the description of the lot or parcel of land upon which the same is chargeable; which said certificate may be transferred by endorsement thereon; and if the amount thereof shall not be paid before the time of making out the annual asessment roll, the same may be filed with the city clerk, and shall be assessed upon the said lots or parcels of land respectively, and collected therefrom for the use and benefit of the holder of such certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof and if the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment. When the tax shall have been paid to the city treasurer, he shall pay over the amount on order of the council to the persons entitled to receive it. But if the tax on such lot shall not be paid while the roll is in the hands of the city trensurer, it shall be returned to the county treasurer as delinquent, and be received by such treasurer and collected as other delinquent taxes are received and collected. Then the city shall issue a city order to the amount assessed against the lot in favor of the contractor, upon his application to the council so to do. But in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or county be held responsible for or on account thereof, or of any proceeding for the collection of the pay therefor, except as hereinbefore provided. This provision shall apply as well to work already done or ordered to be done at the expense of particular lots as that which may be done hereafter.

When work is done by owners of lots.

SECTION 70. In all cases where work is ordered to be done by the owner of any lot, under the provisions of the city charter such owner may make his appeal as

hereinbefore provided at any time within twenty days after the publication of the notice required to be given, and while such appeal is pending no order shall be executed.

Street commissioner.

SECTION 71. The council shall appoint a street commissioner for the city, or may by resolution require that the city marshal shall be such street commissioner, who shall have all the powers and perform all the duties required of the street commissioner. The general powers and duties of the street commissioner shall be the same as those of overseers of highways in towns, except as otherwise herein provided. It shall be the duty of the street commissioner to see that all ordinances of the city relating to the streets, alleys, public grounds, reservoirs, gutters, sewers, waters of the lakes and water courses within the city are duly observed and kept, and direct and control the persons employed thereon; and he shall have a general supervision over all work let by contract for the improvement of the streets or sidewalks unless the council shall otherwise provide. Such street commissioner shall be under the direction and control of the council, and he shall make no orders or give any directions for the improvements of streets, unless such improvements have previously been authorized by the council, or a committee of the council acting under authority. Whenever any place shall occur in any street whereby the life or property of persons using the street becomes endangered, the street commissioner shall proceed at once to repair such street to a safe and passable condition.

Sidewalks out of repair.

SECTION 72. It shall also be the duty of the street commissioner, whenever in his opinion any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner or occupant of the lot adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same, and if said owner or occupant fail to repair the same forthwith, then and in that case the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk; provided, however, that the expense to be charged to any lot for any such repairs shall in no case exceed the sum of five dollars, unless such repairs shall be made according to the provisions of the city charter; service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with

the agent of the owner, shall be deemed service upon such owner or occupant; and in case the owner of such lot is not a resident of said city or his residence is unknown, and such owner has no agent in said city known to the street commissioner, then and in that case it shall be the duty of the street commissioner to forthwith repair the same without notice to the owner of the adjoining lot, at the expense of such lot as hereinbefore provided. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the streets in said city as town boards of supervisors have in removing obstructions from highways.

Removal of gravel, etc.

SECTION 73. Any owner of a lot may remove the earth, gravel or material of any kind from the street adjacent to his lot, prior to the grading of the same, at his pleasure, but in doing so he shall not impair the usefulness of the street. The street commissioner, however, may take material from any point in the street to make ordinary and necessary repairs elsewhere upon such street. When any street shall have been ordered graded and the time for doing such work shall have expired without its having been performed, the city may take such material from the street in front of or adjacent to any lot as is not necessary for the purpose of bringing such street along such lot to the established grade, or may authorize any person to take it and use it upon any street of the city.

Term of office.

SECTION 74. The street commissioner shall hold his office for the term of one year from the second Tuesday in April of the year in which he is appointed, unless removed by the council, and shall, before entering on the duties of his office, give a bond to the city of Portage, with one or more sufficient sureties, to be approved by the council, in the penal sum of not less than five hundred dollars, conditioned to render an account to the council whenever required by law or the ordinances of said city, or by a vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse and pay over as required by law or the ordinances of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Inspector of alleys.

SECTION 75. In order to secure a proper and faithful observance of the ordinances of the city relating to the cleaning of alleys, the council may appoint an in-

spector of alleys. If the power conferred by this section be exercised by the council, it shall by resolution designate the blocks which shall be under his supervision, and shall define his duties, and in the discharge of them he shall be invested with all the authority of the street commissioner and a police officer. The council may provide for defraying the expenses incurred under this section, by levying a special tax on each lot placed under the supervison of the inspector of alleys, not exceeding one dollar for each lot in any one year, but no special tax shall be assessed on any lot under this section which shall have been kept in a proper condition by the owner or occupant thereof.

Building sidewalks.

SECTION 76. The council may provide for the construction and maintenance of a sidewalk of such width and material and in such manner as it may deem best, from Cass street to Silver Lake Cemetery, and to provide for the payment of the expense incurred in constructing such walk from the general fund of the city.

Stone crusher.

SECTION 77. The council shall have power to purchase a stone crusher and to purchase stone and cause the same to be broken and prepared for use in improving the streets of the city, and in cases where owners of lots are required by ordinance to improve the streets in front of the lots owned by them, and broken stone are required to be used in making such improvements, the council may sell to said owners of lots the stone required at a price not exceeding the cost thereof. The council may, with the consent of the sheriff or of the board of supervisors of Columbia county, deposit stone when brought upon the grounds connected with the jail of said Columbia county, and may use in breaking said stone such labor of prisoners under sentence in said jail as the sheriff will furnish, or may use said labor in breaking stone or in doing any other work in any part of the city.

Ornamental trees.

SECTION 78. The council shall have power to require the owner of any lot or grounds in said city to set out ornamental or shade trees in the street in front of the same, and to protect and preserve them, and, in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expense of the same. It shall also have the power to determine the lines on which the trees shall be set, the places where they shall be set, the kind and size of the trees to be set, and the manner of protecting them, and for replanting them, when they have died or been so injured as to fail to answer the

purpose for which they were set out, and to prohibit the setting out of any trees that may be regarded as nuisances, and to order their removal where they have hitherto been set out. It shall also have power to provide for and direct the trimming of shade trees to proper proportions, and to do all other needful acts as to them may seem just and proper, to give this section proper effect.

FINANCES AND TAXATION.

Finances.

SECTION 79. All funds in the city treasury, except school, state and county funds, shall be under the control of the council, and shall be drawn out upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

No debts to be contracted.

SECTION 80. No debt shall be contracted against the city, or order be drawn on the city treasury, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same, in case it exceeds fifty dollars, shall be entered by ayes and nays upon the journal of the council; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by the city charter, and for the payment of indebtedness now existing.

Forfeitures to go into general fund.

SECTION 81. All forfeitures and penalties accruing to the city for a violation of the city charter, or of any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become part of the general fund, except as otherwise provided by the city charter. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of three-fourths of all the aldermen.

No property exempt.

SECTION 82. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under the city charter shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon and required by assessors of towns; provided, however, that the council may prescribe the

form of assessment roll, and more fully define the duties of assessors.

SECTION 83. The county board of supervisors shall have the right to regard the city of Portage as a town in equalizing the assessment rolls of the several towns in Columbia county, as provided by law; but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards. City to be regarded as a town in assessing.

SECTION 84. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be authorized by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city clerk, in the manner provided by law, in relation to town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. Levy taxes.

SECTION 85. Upon receiving the statement of the amount of taxes so levied the city clerk shall, upon a uniform percentage, compute and carry out upon said assessment roll, or a copy thereof, in one item opposite to each valuation in said assessment roll, the amount required to be raised upon such valuation to make the whole amount of taxes so certified, together with such city and other local taxes as are to be levied uniformly upon all the taxable property in the city; and all other taxes, if any, shall be entered in separate columns, opposite the valuation of the property, to be charged in a separate column, under the head of "taxes unpaid for previous year." The city clerk shall enter opposite each tract of land so returned to him by the county clerk, the year for which such tax remains unpaid. The city clerk shall enter upon said roll a general statement showing the several amounts of taxes levied on the city, or any part thereof, and for what purpose; said roll, when so completed, shall be known as the tax list of the city of Portage, and shall be preserved by said clerk as a record in his office. Town clerk shall compute taxes.

SECTION 86. The tax list made out and preserved as aforesaid shall be *prima facie* evidence in every court of record in this state that every act or thing required by law to be done relating to assessing or levying of taxes, from the election of officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law. Shall be prima facie evidence.

SECTION 87. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy Duplicate copies.

thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

Treasurer shall collect taxes.

SECTION 88. The city treasurer, upon the receipt of such duplicate tax list, shall proceed to collect the same in like manner, and shall have like power and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise herein provided. All taxes may be paid to the treasurer before the tenth day of January in each year, without any addition thereto for treasurer's fees. To the taxes paid after the tenth day of January, five per cent. treasurer's fees shall be added, which fees when collected shall be paid into the treasury of the city for the benefit of the general fund.

Shall make return to county treasurer.

SECTION 89. The said treasurer shall make out and return to the treasurer of Columbia county, at the time required by law in the case of towns, a list of all lands and lots upon which the taxes have not been paid, and shall also settle with, and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers. The said treasurer shall also, by the same time make out and deliver to the city clerk a list of all delinquent personal property taxes for the same year. The county treasurer shall add the same interest penalties or fees to such delinquent returns as are allowed or required by law upon the delinquent returns from the several towns.

County treasurer shall sell.

SECTION 90. The county treasurer shall sell all delinquent lands and lots returned from the city of Portage at the same time and in the same manner as other delinquent lands are sold in the county.

All lands subject to taxation.

SECTION 91. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and improvements of streets in front of the same.

Farming lands.

SECTION 92. All lands lying within the city limits not divided and laid out into lots or blocks, and all out lots, not subdivided and numbered by such subdivision, which may be used, occupied, reserved or held

for agricultural purposes, shall be assessed as farming land, and shall not be subject to any special taxes.

Directory.

SECTION 93. All the directions hereby given for the assessing of lands and the levying, collection and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Fire engines.

SECTION 94. In addition to the amount herein limited for taxes for general city purposes, special taxes may be levied for the purchase of fire engines, cemetery grounds, public squares, gas purposes and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, they shall specify the amount to be raised and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

Lawful money.

SECTION 95. The city treasurer shall receive nothing but coin, or coin certificates, treasury notes or national currency, for taxes, licenses or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment of city dues.

Providing for payment of orders.

SECTION 96. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans, at the legal rate of interest, for the supplying of all funds to meet any deficiency in the treasury.

When money is out of treasury.

SECTION 97. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council.

What taxes shall be first paid.

SECTION 98. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then judgments; then all special taxes, in the order in which they were levied; then taxes for bridge purposes; then taxes for fire purposes; then taxes for streets and public improvements; and lastly, county taxes. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state.

When council shall meet before election.

SECTION 99. The council shall meet on Monday evening, two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, prior to the second Tuesday of April following, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of their terms.

Surplus money.

SECTION 100. All surplus moneys in the city treasury not belonging to the school fund may, by direction of the council, be temporarily used for the purpose of paying orders drawn on any other funds, but all funds so used shall be replaced.

FIRE DEPARTMENT.

Fire department.

SECTION 101. The council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof shall be erected, repaired or moved, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the removal of buildings into such fire limits or the removal of any building or buildings situated or located within said fire limits to or on any other lot or lots within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The council shall have no power to authorize wooden buildings to be moved into the fire limits or from one point within the fire limits to another point within the fire limits.

Regulate construction of buildings.

SECTION 102. The council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same;

to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons; to compel by-standers to aid in the extinguishment of fire, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires and the protection of property at fires as it may deem expedient, and enforce the foregoing provisions and the ordinances by suitable penalties.

Shall organize fire, hook and ladder companies, etc.

SECTION 103. The council shall have power to authorize the formation of fire engine, hook and ladder and hose companies, provide for the due and proper regulations of the same, and to disband any such companies at any time, and prohibit their meetings as such when disbanded, which companies shall be officered and governed by their own by laws, provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city, and shall be formed only by voluntary enlistment. Every member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, or bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Tax to be raised.

SECTION 104. The council shall have power to raise a tax each year, not exceeding five mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city; and the moneys arising therefrom shall be expended under the direction of the council, for fire purposes.

Water works.

SECTION 105. The council is hereby authorized and empowered to construct water works for the purpose of supplying the city and the inhabitants thereof with water for the extinguishment of fires and for other purposes; for that purpose, is authorized to open, construct and maintain an open channel of such depth and width as it shall determine, from such point within the limits of said city near the left bank of the Wisconsin river, to such point within the limits of said city in the Fox river, as may be determined, and may build, construct and maintain a dam at the commencement of said channel near the Wisconsin river, and between said dam and the Wisconsin river, may build,

construct and maintain an open basin or reservoir of such size and with such inlet or inlets from the Wisconsin river as the council of said city shall determine, and may open and construct drains, sewers, aquaducts, mains, and purchase or construct water wheels, pumps and machinery for elevating and forcing water through mains and pipes and all other works and appendages necessary or proper to the successful construction and operation of water works to supply said city and the inhabitants thereof with water, and to establish water rates and provide for the collection thereof; and the council, in addition to the powers herein specifically granted to it, shall have power to pass and adopt all such ordinances, resolutions and orders as may be necessary or proper to construct, maintain, operate and regulate such water works; and, for the purpose of operating the same, to apply such portion of the water power created by said dam and channel as may be necessary for the successful and efficient operation thereof.

May rent water power.

SECTION 106. In case the basin or reservoir, dam and channel, hereby authorized to be constructed shall create any water power not immediately or continuously needed to propel the machinery and maintain and supply the mains connected with said water works, the council is hereby authorized and empowered to let, lease and rent such surplus water power, or any part or portion thereof, for manufacturing or other purposes which may not be needed to operate and supply such water works, and may fix the price for such lease or rent, and may also let, lease and rent for any purpose the basin or reservoir, and the dock and piers forming said basin or reservoir, and the lands taken on each side of said channel or any parts or portion thereof, and may fix the price for such lease or rent.

May take possession of all lands required.

SECTION 107. The council may enter upon and take possession of any and all lands required for the building of said basin or reservoir, dam and channel, to a distance not over one hundred feet each way from the general outline of said basin or reservoir, and not over one hundred and twenty-five feet on each side of the center line of said channel. The damage sustained by any person whose lands shall be so taken by said council shall be ascertained and paid by said city in the same manner as damages for lands taken by supervisors of towns for highways, as provided in chapter 52 revised statutes of 1878, and the said council is hereby authorized and required to proceed in the same manner and

take the same action in relation to determining said damages as is provided for supervisors of towns in said chapter 52.

SECTION 108. The council may issue the bonds of said city for the purpose of constructing the works authorized by this act at such times as it may determine. But no bonds shall be issued until the council shall have caused to be made a survey and estimate of the cost of the works necessary to create the water power, an estimate of the amount of water power which such works will create, the cost of the necessary works to furnish said city with a sufficient supply of water for such uses and purposes as said council may determine, and of the amount of water power required therefor, and such estimates shall have been filed in the office of the clerk of said city, and the question of constructing such works and issuing such bonds shall have been fairly submitted to a vote of the legal voters of said city in such a manner as the council may, by ordinance, determine and provide, and decided in favor of such works and of issuing such bonds by a majority of the votes cast at such election. Such bonds shall be of such denominations and draw such rate of interest as the council may determine, not exceeding 7 per cent. per annum, and when issued shall be signed by the mayor and countersigned by the clerk of said city; provided, however, that this section shall not be construed to give any authority to construct a dam in the Wisconsin river below the entrance of the canal into said river. May issue bonds.

SCHOOLS.

SECTION 109. The council shall annually, at its first meeting after the charter election, elect from each ward, where the term of office of a school commissioner expires, a school commissioner for a term of two years; and the council may make appointments of school commissioners to fill vacancies which may occur from any cause. School commissioner.

SECTION 110. Every woman of the age of twenty-one years and upwards residing in the city shall be eligible to the office of superintendent of schools and to the board of education. Who are eligible.

SECTION 111. The said school commissioners so appointed in conjunction with the superintendent of schools of said city of Portage shall constitute a board to be styled "the board of education of the city of Portage." Said board shall appoint and hold stated Board of education.

meetings, and a majority thereof shall constitute a quorum for the transaction of business. At the first meeting of said board in each year the members thereof shall elect one of their number president and whenever he shall be absent a president pro tem may be appointed. The superintendent of schools shall be clerk of said board, whose compensation shall be fixed by the council. The said commissioners shall not receive any compensation for their services.

Clerk shall keep a record of proceedings.

SECTION 112. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record or a transcript thereof, certified by the president and clerk, shall be received in all courts and places as prima facie evidence of the facts therein set forth, and such records and all books and accounts of said board shall at all times be subject to the inspection of the council, and of any committee thereof, and the said board shall examine all teachers making application to teach in the public schools of said city; all certificates to teachers, granted by said board, shall be substantially in the form as prescribed by the state superintendent of schools. The clerk of said board shall visit all schools in said city, at least once in each month, and report their condition to the board of education, with such suggestions for their improvement as he may deem proper. He may also make such suggestions to said board as he may deem necessary for improving and repairing school houses, grounds, fences, and appurtenances thereunto belonging. When any repairs shall be ordered the board may employ some suitable person to superintend the making of such repairs and such compensation may be paid for such services as the board may deem just and reasonable.

Clerk shall make report.

SECTION 113. The clerk of said board shall in each year, and at the time and in the manner now and hereafter to be required of town clerks, make and transmit to the state superintendent a report in writing, which report shall be such as is now or may hereafter be required by law to be made annually by town clerks and transmitted to county superintendents. He shall also make and submit to the council, at least ten days before the annual election in each year, a report, showing the receipts and expenditures by the board since the report made to the council, at its first meeting in July. Such account need only show the gross amount of receipts from each of the various sources, and gross

amount of expenditures for each of the various purposes required to be reported. Such report shall include salaries of teachers, and all other expenses up to the second Tuesday in April following, and all salaries or bills that will be due at that time may be paid before making the report. The report shall also show the gross amount of receipts and expenditures since the preceding annual report. If the receipts or expenditures since the July report are more or less than estimated in the July and October reports, the report shall state the amount, more or less, and the report shall also state whether, and if any, how much more or less than estimated in July and October will be needed for the entire school year, ending in June.

Council shall have power to pass ordinances.

SECTION 114. The council of said city shall have power to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection and safe-keeping, care and preservation of school houses in said city, and lots and appurtenances to the schools, and also to impose penalties for the violation thereof. All such penalties shall be collected in the same way that other penalties authorized to be imposed by said council under the city charter are collected.

Title of school property vested in city.

SECTION 115. The title of the school houses, sites, furniture, apparatus and appurtenances, and all other property herein mentioned, shall be vested in the city of Portage; and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever, and the said city shall be able to take, hold and dispose of any real or personal estate, transferred to it by gift, grant, bequest, or devise, for the use of the schools of said city, whether the same shall be transferred in terms to said city by its proper style, or by any other designation, or to any person or persons or body, for the use of said schools.

Money due city from county.

SECTION 116. The treasurer of said city is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer for Columbia county, all moneys appropriated for the use of schools in said city, and all other moneys in possession of said county treasurer at any time raised, appropriated or intended for the use and benefit of schools in said city, and the said county treasurer is hereby directed and required, on demand of the said city treasurer, to pay over to him the said moneys without delay or set

off, taking his receipts as such city treasurer therefor, and all such moneys shall be placed to the credit of the school fund of said city. A statement of all school moneys so received shall forthwith be reported to the city superintendent of schools by said treasurer.

SECTION 117. The said board of education shall have power and it shall be its duty:

May organize schools.

1st. To establish and organize such and so many schools in said city, or the several wards thereof, as they shall deem necessary and expedient, and to alter and discontinue the same.

Custody of school houses.

2d. To have the custody and safe keeping of the school houses, out-houses, books, furniture and appendages, and to see that the ordinances and regulations of the council in relation thereto are observed.

Employ teachers.

3d. To contract with and employ in behalf of the city, all teachers in such public schools of the city as may be under the direction of said board, who shall have been licensed by said board, and at their pleasure to remove them.

Superintendence.

4th. To have in all respects the superintendence, supervision and management of all the public schools in said city, and from time to time adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils and their transfer from one school to another, and generally for the promotion of their good order, prosperity and utility.

Selling school-houses.

5th. Whenever in the opinion of said board it may be advisable to sell any of the school houses, lots or sites, or any of such school property now or hereafter belonging to the city, to report the same to the council.

Report ordinances.

6th. To prepare and report to the council such ordinances and regulations as may be necessary or proper for the protection, safe keeping, care and preservation of school houses, lots, sites and appurtenances, and all the property belonging to the city connected with or appertaining to the schools, and suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to the council at its first meeting in October of each year, the amount of money, in their opinion, necessary or proper to be raised for school purposes, specifying the sum required for each of the purposes therein mentioned, and the reason therefor.

Repair of school houses.

7th. In the name of the city of Portage to contract for the repair of school houses and their appurtenances, and for all things necessary or proper for the support

and maintenance of schools in said city, and generally to have the entire and exclusive supervision and control of all. property belonging to said city used for said purposes. The board of education shall have the power, by and with the consent of the council of said city, to erect, construct, hire and purchase buildings suitable for school houses, buy and lease sites for school houses with the necessary grounds, and to furnish the school houses in said city with the necessary fixtures, furniture and apparatus. No greater amount shall be expended by the board of education in any year under the provisions of this section than shall be appropriated by the council for school purposes during such year.

Shall levy a tax.

SECTION 118. The council of said city of Portage shall have power to annually levy and collect a school tax not exceeding three-fourths of one per cent. on all real and personal property of said city to meet the expenses of erecting and repairing school houses, purchasing or hiring sites for school houses, and supporting and maintaining schools.

Audit accounts.

SECTION 119. It shall be the duty of the board of education to audit each and every indebtedness of said city for school purposes, and to issue orders therefor, signed by the president and clerk of the board of education; and all moneys received by or raised in the city of Portage for school purposes shall be disbursed on the said orders of the president and clerk of the board of education, and in no other manner.

Non-residents may attend school.

SECTION 120. The said board of education shall have power to permit the children of persons not residents of said city to attend in either of the schools therein under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition which shall be paid therefor. Permits to so enter the schools shall be issued by the city superintendent, but no such permit shall be issued which will interfere with the proper instruction of resident pupils. He shall report his actions under this section to the board of education as often as may be required, and he shall not issue any greater number of permits than may be authorized or sanctioned by the board of education. All permits shall specify the amount to be paid by such non-resident pupil, and no such pupil shall be admitted to any school of the city until he has exhibited the receipt of the city treasurer that the amount specified in such permit has been paid to him. At the end of each term and at such other times as may be required by the board every teacher who has admitted to the school under his charge any non-resi-

dent pupil under the city superintendent's permit, shall return to the board of education the permit under which the pupil was admitted. All moneys so received for tuition shall become a part of the school fund of said city. It shall be the duty of the board of education to report to the council at its first meeting in the month of July of each year, the condition of the several schools of said city, and the average number of pupils in attendance, the names and rate of compensation of the several teachers, the cost of supporting each and all of said schools since the previous report, and the estimated cost thereof to the time of their next succeeding report, as in this section required, specifying the items thereof under their appropriate heads, together with such other matters as they may deem proper, or the council may require; provided, that nothing in this act contained shall be deemed to authorize said board of education or the council, or both, to appropriate, contract or expend for school purposes in any one year, any greater sum than is provided for in section 137 of this chapter, in addition to the school moneys derived by said city from the state and county school funds and such fines, forfeitures, penalties and tuition moneys as may properly belong to the city school fund, unless first authorized thereto by a vote of two-thirds of the legal voters of said city.

Council may borrow money.

SECTION 121. The council of the city of Portage on the application of the board of education may borrow money for the erection and completion of school houses in said city, not exceeding in amount the sum of five thousand dollars, and may issue the bonds of said city for the payment of the same, bearing an interest not exceeding seven per cent. per annum, payable annually or semi-anually, and becoming due within ten years, or less, as the council may by ordinance prescribe. In case said bonds are issued, the council of said city shall annually levy and collect a tax, on the taxable property of said city, as other taxes are levied and collected, sufficient to pay the interest and principal of said bonds as the same may become due; and the money thus raised shall be applied to the purpose for which it was raised, and no other; provided however, that no bonds issued in pursuance of this section shall be sold for less than their par value.

MISCELLANEOUS PROVISIONS.

Credit of city not to be given.

SECTION 122. The credit of the city shall never be given or loaned in aid of any individual, association or corporation.

SECTION 123. No tax for general city purposes shall be levied in any year exceeding one per cent. of the assessed valuation of property in the city in that year. General city tax.

SECTION 124. The city shall have no power to borrow money or contract any debt which cannot be paid out of the revenue of the fiscal year, which shall commence on the first day of December of each year, except as otherwise herein provided. City shall have no power to borrow money.

SECTION 125. All work for the city exceeding one hundred dollars in amount shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract. Shall be let by contract.

SECTION 126. No extra compensation shall be allowed to any officer, agent, servant or contractor after the service shall have been rendered, or the contract entered into, nor shall any compensation be paid to the mayor or aldermen for their services. No extra compensation.

SECTION 127. The council shall settle all just claims and demands against the city, and settle with the treasurer annually, and publish accounts of the receipts and expenditures of the city, for the information of the citizens. Council shall settle all just claims.

SECTION 128. In all prosecutions for any violation of any of the provisions of the city charter, or any by-law or ordinance, the first process shall by a summons unless oath be made for a warrant as in other cases. How prosecutions shall be begun.

SECTION 129. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed according to the laws of this state. The execution shall require the defendant in any such action, in case no goods or chattels, lands or tenements whereof the judgment can be collected, be found, to be imprisoned in the jail of Columbia county, for a term not exceeding three months, in the discretion of the justice or judge rendering judgment, unless the same be sooner paid or the defendant be discharged by order of the council. How to proceed.

SECTION 130. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. Incompetent.

SECTION 131. If any election by the people or council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize or to perform any other act, as herein provided, it shall not be considered reason for arresting, suspending or absolving said corporation; but Failure to hold election does not invalidate.

such election or organization may be had on any subsequent day, by order of the council; and if any of the duties enjoined by this act or the ordinances or by-laws of the city to be done by any officer at any specified time, be not then done or performed, the council may appoint another time at which said acts may be done or performed.

How suit or action to be commenced.

SECTION 132. When any suit or action shall be commenced against said city, the service of summons or process therein may be made by leaving a copy thereof with the mayor, or in the absence of the mayor from the city, or in case he cannot be found, by leaving such copy with the president of the council, or acting mayor, whose duty it shall be forthwith to inform the council thereof, or take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

Judgment against city.

SECTION 133. When a judgment shall be recovered against the city of Portage or against any city or ward officer in an action prosecuted by or against such officer in his name of office, where the same should be paid by the city, no execution shall be awarded or issued upon such judgment, except as hereinafter provided. The person recovering such judgment may file a certified copy or transcript thereof with the city clerk, who shall lay the same before the council at its next regular meeting, and unless the council shall determine to appeal from such judgment, it may provide for the payment of the same out of the general fund. Unless so paid the amount of such judgment shall be added to and included with other city taxes by the clerk in making the next annual tax list, and shall be collected as other city taxes, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of taxes next after the rendition of such judgment, execution may be issued thereon upon the order of the court authorized to issue such execution, on special application therefor. No real or personal property of any inhabitant of said city or of any individual or private corporation shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

City may lease, etc.

SECTION 134. The said city may lease, purchase and hold real or personal estate sufficient for municipal

purposes, and may sell and convey the same, and the same shall be free from taxation while owned by the city; provided that no debt shall be incurred in any such purchase which cannot be paid out of the revenue of the fiscal year.

SECTION 135. No general law of this state, contravening the provisions of the city charter, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SECTION 136. Every license issued under the charter, or the ordinances of the city shall be signed by the city clerk and sealed with the corporate seal, but no such license shall be issued by said clerk until the person applying for the same shall have deposited with the clerk the receipt of the city treasurer for the amount required to be paid therefor, nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors unless the same shall have been authorized by the council, and the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which shall be approved by the council; provided, that the sum to be paid for any such license shall not be less than the amount fixed by the laws of this state, and that all licenses shall be granted to expire on the first day of May next following in each year. License, by whom signed.

SECTION 137. The use of the jail of Columbia county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of such county, for whose custody, safe keeping and delivery the said sheriff shall be responsible as in other cases. Use of county jail.

SECTION 138. This act shall not in any manner affect, injure or invalidate any contracts, acts, suits, claims or demands that may have been entered into, performed, commenced, or that may exist under or by virtue of or in pursuance of the acts hereby repealed or any of them, but the same shall exist and be enforced and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed. and all ordinances, regulations, rules, by-laws and orders of the council of said city, or parts thereof not repealed, suspended or made void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the council; and all the city and ward officers now in office in said city, shall hold This act shall not invalidate.

their respective offices until their successors shall be elected or appointed, and duly qualified. The words "city charter," or "the charter," wherever used in this act or any acts amendatory thereof, shall be held and construed to include and extend to all the provisions of this act, and to all acts amendatory hereof, or in any way relating to the city of Portage, except as may be otherwise specifically provided by such act or acts.

Shall cause a plat to be made.

SECTION 139. The council of said city is hereby authorized and empowered to cause to be made by some competent person a plat of all pieces or parcels of land within said city which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated thereon, and each tract or lot of land embraced in said plat shall be designated by a number placed thereon. The said plat when completed shall be certified to by the person making the same, and shall be acknowledged before some officer authorized to take the acknowledgment of deeds by the mayor and clerk of said city, and when so certified and acknowledged shall be recorded in the office of the register of deeds of Columbia county.

"Assessor's" subdivision.

SECTION 140. The said plat shall be called and known as "assessors' sub-division of lands in the city of Portage," and for the purpose of assessment and taxation it shall be deemed a sufficient description of any piece of land described and designated in said plat, to designate the same by its number as it appears on said plat and any deed of any such tract or piece of land which may be executed pursuant to the laws of this state by reason of the non-payment of any tax hereafter assessed shall be as valid and effectual to pass the title to the lands therein described as it would be if said premises had been described by metes and bounds, and the said plat or the record thereof shall be received in evidence in all courts and places as correctly describing the several pieces or parcels of land therein designated and numbered.

Repeal.

SECTION 141. Neither the provisions of sections 20, 21, 22, 23 and 24 of the revised statutes, entitled of "registry of electors," nor any act amendatory thereof, shall apply to the city of Portage.

SECTION 142. Chapter 122 of the laws of 1876, entitled "an act to consolidate and amend the act to incorporate the city of Portage," and the several acts amendatory thereof, and all acts and parts of acts inconsistent

and conflicting with the provisions of this act, are hereby repealed.

SECTION 143. This act shall take effect and be in force from and after the 22d day of March, 1882.

Approved March 16, 1882.

[No. 89, S.] [Published March 22, 1882.]

CHAPTER 133.

AN ACT to amend an act entitled "an act to revise, consolidate and amend the charter of the city of Racine," approved August 8, 1848, and the several acts amendatory thereof, approved March 11, 1876, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 9 of title 5 of chapter 313 of the laws of 1876, as amended by chapter 59 of the laws of 1879, is hereby amended so that the same shall read as follows: Section 9. The commissioners, together with the aldermen of the ward in which the improvement is being made, may determine what proportion, if any, of the damages awarded shall be chargeable to the ward, and be paid out of the respective ward fund, and shall embody such determination in their report, provided such report shall be concurred in and signed by the aldermen of the ward. Upon such recommendation and report the common council shall order such sum to be paid out of the ward fund of the respective ward, and the common council may, whenever the amounts of benefits found and assessed, together with the amount, if any, made payable out of the ward fund, shall be less than the amounts of damages assessed, appropriate the difference from the contingent fund, or provide for it by the levying of special ward or city taxes, or both; provided, that the common council may, at any time before the adoption of the final resolution ordering such street, alley or grounds to be opened, discontinue, dismiss and annul the proceedings had. Amended.

SECTION 2. Section eleven (11) of title six (6) of said chapter 313, as amended by chapter 180 of the laws of 1880, is hereby amended so that the same shall read as follows: Section 11. The common council shall have power to cause sidewalks with proper guards, or handrails, if necessary, curbing of wood or stone, and gutters to be built, rebuilt, graded or repaired, and to assess the cost thereof against the par- Amended. In regard to sidewalks.

ticular lot or lots in front of which such work shall have been done. Such work may be done and required to be done without any petition there'or, upon passage of an order or resolution by the common council describing the location and the lots or lands in front of which such work shall be done, and naming the owners thereof if known, and containing a particular description of the work, and naming the time (which shall not be less than ten days) in which the same shall be done. Notice of such order or resolution shall be given either by the service of copies thereof upon the owners of such lands personally, or by leaving a copy with the occupant of any building on such lot or lots, if they shall be occupied, or by publication of such order or resolution in the official paper of the city at least ten days before such work is required to be done. The affidavit of the officer serving such order, describing the manner of such service, or the affidavit of the printer of the publication of such order, shall be prima facie evidence of such service. If, after the time mentioned for the performance of such work in such order, such work, or any part thereof, shall not have been done, the common council may cause such work to be done by contract, and shall charge the particular cost of such work done in front of or contiguous to any lot or parcel of land as a special assessment against the respective lot or lots in front of or contiguous to which such work shall have been done. Said contracts shall contain like provisions as to the receiving of special assessment certificates and tax certificates in payment by said contractor as are contained in section 8 of this title.

In regard to building side walks, etc.

SECTION 3. Said title six (6) of said chapter 313 as amended by chapter 180 of the laws of 1880, is hereby amended by inserting immediately after section twelve (12) of said title a new section, which shall read as follows: Section 12a. In all cases where sidewalks, curbing or gutters shall have been ordered to be built, rebuilt, graded, or repaired under the preceding provisions, of this title, and such work shall not have been done within the time limited in such order, the council may, with the affirmative vote of the aldermen of the ward in which such proposed sidewalk is to be situated, enter into a contract for such work, the same to be paid for from the ward fund of such ward. Upon the completion of such work the same to be paid for out of said ward fund, and the amount thereof, together with ten (10) per cent. addi-

tional thereto as a penalty, shall be charged and assessed against the lot or parcel of land in front of or adjoining which such work shall have been done, and the same shall be collected as other real estate taxes are collected, and when so collected said whole amount shall be credited back to said ward fund. In any case where any of the work named in this section shall have been ordered to be done, and after one week's advertisement in the official city paper, no bids shall have been received for the doing of such work, the council may authorize the aldermen of the proper ward to purchase the necessary materials and to employ fit persons to do such work and such labor and materials shall be paid for out of the ward fund of such ward, and the amount thereof, with ten (10) per cent. additional thereto, as penalty, shall be charged and assessed against the lot or parcel of land in front of or adjoining which such work shall have been done, and collected as other real estate taxes are collected, and when so collected the whole amount shall be credited back to said ward fund.

Sidewalks in dangerous condition.

SECTION 4. Section 15 of said title six (6), as amended by chapter 180 of the laws of 1880 is hereby amended so as to read as follows: Section 15. Whenever any sidewalk or part of a sidewalk shall be in a dangerous condition to persons passing over it, by reason of defective planks or stringers, or for want of proper guards or hand rails, the aldermen or street commissioner of the ward in which the same is situated, shall have power, by written order to be served on the owner of the premises in front of which such sidewalk exists, or upon any occupant of any building thereon, to order the same to be repaired or re-made, within a period to be fixed in said order, not less than twenty-four hours from the time of such service; and in case of failure to comply with such order, the said aldermen or street commissioner shall have power forthwith to employ or cause to be employed fit persons to repair or re-make the same or build such guards or hand-rails at a fair price, not exceeding, however, the sum of five (5) dollars, and pay for the same from the ward fund of the proper ward, and charge the expense thereof, with ten per cent. additional thereto as a penalty, to the lots, parts of lots or parcels of land abutting thereon, by a special assessment; and such amount when collected shall be credited to said ward fund, and such assessment shall be a valid charge and lien upon such lot, part of lot or parcel of land, with-

out any other proceeding preliminary to the doing of such work, except the notice requiring such work to be done. In case any private drain running through or across any street in said city shall become defective in such street, from any cause, like notice as hereinbefore in this section provided, may be given to the owner or occupant of any lot or lots in connection with which such drain is used, requiring the repairing of such drain, and in case the same be not repaired, like proceedings as are hereinbefore in this section provided may be taken for the repair thereof, and the expense of such repair may be charged and assessed to and collected from any lot, lots or parcels of land in connection with which such drain is used, in like manner as hereinbefore provided.

Powers of fire marshal.

SECTION 5. Section 5 of title 11 of said chapter 313 is hereby amended so as to read as follows: Section 5. The common council shall appoint one fire marshal of the fire department, who shall hold his office for two years, and one or more assistants, who shall hold their offices for one year, unless sooner removed by the common council; and engineers for the steam fire engines in use, to hold office during the pleasure of said council. All other members of the department shall be appointed by the fire marshal subject to the approval of the common council, and shall hold office during the pleasure of the fire marshal. Said fire marshal shall also have power to suspend from duty any of such engineers, and such suspension shall be reported by him to the common council at its next regular meeting thereafter, and said common council may thereupon either approve such suspension and discharge such engineer, or may re-instate him, as it shall judge best. The fire marshal shall annually, on the first Monday in March, report to the common council the condition of the fire department, and make such recommendations as he may deem advisable, and file with the city clerk a full inventory, verified by his affidavit, of all the apparatus, engines, carts, hose, ladders and tools belonging to the fire department.

Salaries.

SECTION 6. Section one (1) of title twelve (12) of said chapter 313 is hereby amended so that the same shall read as follows: Section 1. Salaries shall be fixed by the common council to the several and respective officers of the said city mentioned in this section for all services during the term of their service, not to exceed the following rates per annum, to-wit: To the

city clerk and ex-officio comptroller, nine hundred dollars ($900); to the city treasurer for all services by him to be rendered, fifteen hundred dollars ($1,500); to the city attorney, eight hundred dollars ($500); to the assessors, each three hundred dollars ($300); to the fire marshal, five hundred dollars ($500); to the assistant fire marshal, two hundred dollars ($200); to the engineer of fire steamer number one, seven hundred and twenty dollars ($720); to the engineer of fire steamer number two, four hundred dollars ($400); to the chief of police, eight hundred dollars ($800); to the superintendent of the poor, four hundred dollars ($400); to the harbor master, acting also as bridge tender, five hundred and fifty dollars ($550); to bridge tenders, five hundred dollars ($500) each; to the city marshal, two hundred dollars ($200). All salaries of officers and others which are not fixed absolutely by this act shall be fixed by the common council by ordinance or resolution, subject to the limitations herein prescribed. The salaries and allowances above mentioned, and which shall be fixed as aforesaid by the common council, shall be accepted by such officers and others, respectively, as their sole compensation for the services for which such salaries are allowed.

SECTION 7. Title 6 of said chapter 313, as amended by chapter 180 of the laws of 1880, is hereby amended by adding thereto a new section, immediately following section 26 of said title, which shall read as follows: Section 26a. At the time of the annual tax levy, in any year, the common council may levy upon the taxable property of any ward in said city a sum not exceeding three thousand dollars, to be used for the purpose of boring and constructing an artesian well for supplying water to the residents of said ward, and constructing stand-pipes and reservoirs and laying pipes for the distribution of water therefrom; provided, however, that no such tax shall be levied except with the affirmative vote of both alderman of the ward upon which such tax is to be levied; and provided further, that the question as to whether such well shall be constructed shall first have been submitted to a vote of the legal voters of said ward at the next preceding municipal election, and shall have been decided in the affirmatime by a majority of all votes cast upon that subject. The form of the ballots shall be under the direction of the council; the votes shall be cast on separate ballots, and in separate boxes, and the returns shall be made and canvassed in the same manner as other returns of

Artesian well.

municipal elections are made and canvassed. Further provided, that but one well shall be constructed in any one ward under the provisions of this section.

Shall let to lowest bidder.

SECTION 8. Section thirty-five (35) of title six (6) of said chapter 313, as amended by chapter 123 of the laws of 1881, is hereby amended so as to read as follows: Section 35. After the making of the said assessments, the city council shall let the work to the lowest responsible bidder, at least two weeks' notice of the receiving of such bids having been given in the official city paper; the common council may reject any and all bids, if deemed too high, or for neglect to furnish proper bonds for the performance of such contract. In case no bids are received, or in case the bids received shall be deemed too high, or in case the bidders shall be unable to furnish proper bonds for the performance of the work, the council may purchase or cause to be purchased, water-pipes, mains, and all necessary materials and employ men to lay the same, and pay for such materials and labor from the funds raised by said special assessments, and such other funds as are properly applicable thereto. Said assessment shall be a lien upon the property assessed, and shall be collected in like manner as provided in section seventeen (17) of this title. Any deficiency between the amount of the special assessments levied and the amount expended, for such work may be defrayed out of the ward fund of the proper ward, or by the levy of a special ward tax.

Shall serve notice.

SECTION 9. Title four (4) of said chapter 313 is hereby amended by adding at the end of said title a new section, numbered section 10, which shall read as follows: Section 10. In any case where the common council shall by resolution direct the removal of any obstructions or encroachments upon any public street in said city, and due notice of the passage and contents of such resolution shall have been served upon the person or persons maintaining such obstruction or encroachment in the manner provided by the ordinances of said city and the same shall not be removed within the time limited therefor by said resolution, the common council shall have power to remove or cause to be removed such obstructions or encroachments summarily, and sell the same in like manner that property is sold upon execution from justice court, and the proceeds shall be applied toward payment of the cost of such removal, and any surplus above such cost shall be returned to the owner of such obstruction or encroachment. In case no owner of such obstruction or

encroachment can be found the notice provided for in this section may be posted in a conspicuous place on such encroachment or obstruction, and such posting shall have like effect as if personally served.

Construction of breakwaters.

SECTION 10. Section eighteen (18) of title six (6) of said chapter 313, as said title is amended by chapter 180 of the laws of 1880, is hereby amended so that the same shall read as follows: Section 18. The common council may cause the construction of breakwaters, parallel pilings, sheet piling piers, or such other protections as may be planned or devised for the purpose of protecting the shores of said city against the encroachments of Lake Michigan, and defray the cost thereof by levying city and ward taxes and special assessments upon real estate deemed to be specially benefited by such protection; and whenever lots or lands or streets are being washed away or encroached upon by said lake the common council may cause the construction of such protections as may be necessary to prevent such washing away or encroachment in the manner hereinafter provided. No petition shall be required to authorize the construction of any such protection. Whenever it shall be deemed necessary to construct any of the protections named in this section, the common council shall first cause plans and specifications and an estimate of the cost thereof to be made and filed with the city clerk. After the adoption of such plans and specifications, and after the cost of such work shall have been so ascertained, the common council shall direct application to be made for the appointment of three special commissioners to determine the amounts to be charged as special assessments against any and every lot or parcel of land benefited by such proposed protections; also to determine the amount to be charged to the ward in which such protection is proposed to be made, and also to determine the amount to be charged to the city at large for such proposed protections; provided, that in the discretion of the common council the amount chargeable to the ward as aforesaid and the amounts chargeable to the city as aforesaid may be appropriated from the ward fund in which such protection is made, and from the general city fund respectively; further provided, that the general appropriation from the city fund or city tax for any one year for such purpose, shall not exceed the sum of one thousand dollars ($1,000). Such application shall be made and such commissioners shall be appointed and shall make their assessments of benefits and their report thereof in all

respects in like manner and with like effect as provided in section 8 of title 5 of this act, with regard to commissioners for the assessment of benefits and damages in the opening of streets. Residents of the ward in which such protections are to made shall, however, be eligible to appointment as such commissioners, if not directly interested in the proposed improvements, and in all cases one of such commissioners, and but one, shall be a resident of such ward. The county judge or court commissioner, the city marshal or other officer acting in his place, and the special commissioners appointed under this section, shall receive like compensation as provided for by section 7 of title 5.

Appeal.

SECTION 11. Section nineteen (19) of title six (6) of said chapter 313 as said title is amended by chapter 180 of the laws of 1880 is hereby amended so that the same shall read as follows: Section 19. Any person or persons owing or having any interest in any property affected by such assessment may within twenty days after the confirmation of such assessment by the common council, appeal therefrom to the circuit court of Racine county, and such appeal shall be taken and perfected, and the trial thereof shall be conducted in like manner in all respects as the appeal provided for by section 12 of title 5 of this act. Such appeal shall be the only remedy or proceeding in which the question as to the amount of benefits accruing to a parcel or parcels of land shall be litigated. Such appeal shall not hinder or delay the issuance of the certificate of the special assessment provided for in the next succeeding section, nor the rights of any contractor thereunder; but in case any appellant succeed, the difference between the commissioner's assessment and the amount finally adjudged shall be adjusted in like manner as provided in section 9 of this title. No error, irregularity or informality in any of the proceedings for the construction of such protections or the assessments of benefits not affecting substantial justice shall in any way affect the validity of the assessment.

When tax shall be levied.

SECTION 12. Section one (1) of title thirteen (13) of said chapter 313, as said section is amended by chapter 180 of the laws of 1880, is hereby amended so that the same shall read as follows: Section 1. The common council shall annually on or before the first Monday of September, levy a tax upon all the taxable property of said city sufficient to pay the salaries of the officers of said city as in this act provided, and to

meet the interest on the corporate debt, and to provide for the sinking fund as provided by law, and for the purposes hereinafter named to-wit:

1. For school purposes, including repairs of school-houses and incidental expenses, a sum not exceeding twenty-seven thousand dollars ($27,000). The sums received from the state school funds, from tuition fees and all other sources to be in addition to such fund. **School purposes.**

2. A sum not exceeding three thousand dollars ($3,000) for harbor purposes. **Harbor purposes.**

3. A sum not exceeding twenty-three hundred dollars ($2,300) for the repair of bridges and building and repairing of culverts. **Bridges.**

4. A sum not exceeding seven thousand dollars ($7,000) for the fire department. **Fire department.**

5. A sum not exceeding six thousand dollars ($6,000) for a contingent fund; all the delinquent taxes and remittances shall be charged against the contingent fund. **Contingent fund.**

6. A sum not exceeding three thousand dollars ($3,000) for the support of the poor of said city. **Poor fund.**

7. A sum not exceeding five thousand dollars ($5,000) for a police fund. **Police fund.**

8. A sum not exceeding two thousand dollars ($2,000) may be annually levied on the taxable property of each ward for the repair of streets, lighting of streets and other ward purposes. **Lighting streets.**

All moneys received from fines, penalties and licenses shall be credited to the poor fund, from which such sums as shall not be required for the support of the poor may be transferred to the contingent fund when necessary. In addition thereto and to the special levies and assessments authorized by this act, or as may be hereafter authorized, the common council may at such annual levy by a vote of three-fourths of all its members, whenever it shall have been determined to be necessary to erect any new school house or other public building, or to purchase real estate for such purposes, or to make any other urgent improvement or purchase, levy an additional sum for said contingent fund, not exceeding one and one-half mills on the dollar of the valuation of taxable property of the city as returned by the assessors for such year; provided, that no general or special city or ward tax shall be levied except by vote of three-fourths of all the members of said common council. **Contingent fund.**

SECTION 18. Section 1 of title 15 of said chapter 313, as said section is amended by chapter 59 of the **When may shall appoint officers.**

municipal elections are made and canvassed. Further provided, that but one well shall be constructed in any one ward under the provisions of this section.

Shall let to lowest bidder.

SECTION 8. Section thirty-five (35) of title six (6) of said chapter 313, as amended by chapter 123 of the laws of 1881, is hereby amended so as to read as follows: Section 35. After the making of the said assessments, the city council shall let the work to the lowest responsible bidder, at least two weeks' notice of the receiving of such bids having been given in the official city paper; the common council may reject any and all bids, if deemed too high, or for neglect to furnish proper bonds for the performance of such contract. In case no bids are received, or in case the bids received shall be deemed too high, or in case the bidders shall be unable to furnish proper bonds for the performance of the work, the council may purchase or cause to be purchased, water-pipes, mains, and all necessary materials and employ men to lay the same, and pay for such materials and labor from the funds raised by said special assessments, and such other funds as are properly applicable thereto. Said assessment shall be a lien upon the property assessed, and shall be collected in like manner as provided in section seventeen (17) of this title. Any deficiency between the amount of the special assessments levied and the amount expended, for such work may be defrayed out of the ward fund of the proper ward, or by the levy of a special ward tax.

Shall serve notice.

SECTION 9. Title four (4) of said chapter 313 is hereby amended by adding at the end of said title a new section, numbered section 10, which shall read as follows: Section 10. In any case where the common council shall by resolution direct the removal of any obstructions or encroachments upon any public street in said city, and due notice of the passage and contents of such resolution shall have been served upon the person or persons maintaining such obstruction or encroachment in the manner provided by the ordinances of said city and the same shall not be removed within the time limited therefor by said resolution, the common council shall have power to remove or cause to be removed such obstructions or encroachments summarily, and sell the same in like manner that property is sold upon execution from justice court, and the proceeds shall be applied toward payment of the cost of such removal, and any surplus above such cost shall be returned to the owner of such obstruction or encroachment. In case no owner of such obstruction or

encroachment can be found the notice provided for in this section may be posted in a conspicuous place on such encroachment or obstruction, and such posting shall have like effect as if personally served.

Construction of breakwaters.

SECTION 10. Section eighteen (18) of title six (6) of said chapter 313, as said title is amended by chapter 180 of the laws of 1880, is hereby amended so that the same shall read as follows: Section 18. The common council may cause the construction of breakwaters, parallel pilings, sheet piling piers, or such other protections as may be planned or devised for the purpose of protecting the shores of said city against the encroachments of Lake Michigan, and defray the cost thereof by levying city and ward taxes and special assessments upon real estate deemed to be specially benefited by such protection; and whenever lots or lands or streets are being washed away or encroached upon by said lake the common council may cause the construction of such protections as may be necessary to prevent such washing away or encroachment in the manner hereinafter provided. No petition shall be required to authorize the construction of any such protection. Whenever it shall be deemed necessary to construct any of the protections named in this section, the common council shall first cause plans and specifications and an estimate of the cost thereof to be made and filed with the city clerk. After the adoption of such plans and specifications, and after the cost of such work shall have been so ascertained, the common council shall direct application to be made for the appointment of three special commissioners to determine the amounts to be charged as special assessments against any and every lot or parcel of land benefited by such proposed protections; also to determine the amount to be charged to the ward in which such protection is proposed to be made, and also to determine the amount to be charged to the city at large for such proposed protections; provided, that in the discretion of the common council the amount chargeable to the ward as aforesaid and the amounts chargeable to the city as aforesaid may be appropriated from the ward fund in which such protection is made, and from the general city fund respectively; further provided, that the general appropriation from the city fund or city tax for any one year for such purpose, shall not exceed the sum of one thousand dollars ($1,000). Such application shall be made and such commissioners shall be appointed and shall make their assessments of benefits and their report thereof in all

and shall, as aforesaid, duly execute in its corporate capacity and file in the office of the clerk of the circuit court for the county of Polk, an instrument designating and appointing an agent or attorney for each of said counties, one of which shall reside in the said county of St. Croix and one of which said agents or attorneys shall reside in the said county of Polk, and authorizing each of said agents or attorneys to accept service of process for said corporation in all suits and cases against said corporation, and said company shall at all times during the existence of its charter keep an agent or attorney in each of said counties as in this proviso required, and all service of summons or other process upon either of such agents or attorneys shall be held and deemed to be a good and valid service upon said corporation for the purpose of giving the courts of Wisconsin jurisdiction over the same.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after after its passage and publication.

Approved March 16, 1882.

[No. 93, S.] [Published March 28, 1882.]

CHAPTER 135.

AN ACT to amend chapter 261, laws of 1880, entitled an act in relation to the swamp lands in the counties of Marathon, Clark, Chippewa, Shawano and Oconto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 1 of chapter 261, of the laws of Wisconsin for the year 1880, is hereby amended by adding the following: provided further, that said counties may dispose of and convey said lands to any railroad corporation which shall construct a railroad from the city of Oconto through said counties; also that the counties of Marathon, Clark and Chippewa may dispose of and convey all such lands within their respective borders to any railroad corporation which shall hereafter construct, equip and operate a railroad from the county seat of either of said counties to the border thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 351, A.] [Published March 27, 1882.]

CHAPTER 136.

AN ACT to cede certain state lands in Waukesha county, Wisconsin, to the town of Waukesha for a road way to the cemetery of said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby ceded to the town of Waukesha, Waukesha county, Wisconsin, out of the state lands in said town now occupied and used by the state, in connection with the Wisconsin Industrial School for Boys, four rods wide, running the length of the south side of said cemetery, containing about two and one quarter acres of land. Ceded.

SECTION 2. That said town of Waukesha shall at all times hereafter furnish to the state industrial school of Waukesha, of the state of Wisconsin, when requested by the proper officer or friends of deceased inmates of said school, proper and suitable burial places for all deceased inmates of said schools. Burial places.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 308, A.] [Published March 27, 1882.]

CHAPTER 137.

AN ACT to authorize R. Ayres, C. Rich and their assigns to construct and maintain a dam across Blake brook, in Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Raymond Ayres, C. Rich and their assigns are hereby authorized to construct and maintain a dam across Blake brook, on the south half of the northeast quarter of section number thirty-five, in township number twenty-four north, of range number twelve east, in the county of Waupaca, said dam to be constructed and maintained for the purpose of facilitating the driving of logs and timber down said stream; provided, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid persons, and their assigns, shall build suitable slides in said dam for running logs and timber over the same, and shall keep the same in repair, and shall charge no tolls upon logs and timber running over the same. May maintain a dam.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

and shall, as aforesaid, duly execute in its corporate capacity and file in the office of the clerk of the circuit court for the county of Polk, an instrument designating and appointing an agent or attorney for each of said counties, one of which shall reside in the said county of St. Croix and one of which said agents or attorneys shall reside in the said county of Polk, and authorizing each of said agents or attorneys to accept service of process for said corporation in all suits and cases against said corporation, and said company shall at all times during the existence of its charter keep an agent or attorney in each of said counties as in this proviso required, and all service of summons or other process upon either of such agents or attorneys shall be held and deemed to be a good and valid service upon said corporation for the purpose of giving the courts of Wisconsin jurisdiction over the same.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after after its passage and publication.

Approved March 16, 1882.

[No. 93, S.] [Published March 28, 1882.]

CHAPTER 135.

AN ACT to amend chapter 261, laws of 1880, entitled an act in relation to the swamp lands in the counties of Marathon, Clark, Chippewa, Shawano and Oconto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 1 of chapter 261, of the laws of Wisconsin for the year 1880, is hereby amended by adding the following: provided further, that said counties may dispose of and convey said lands to any railroad corporation which shall construct a railroad from the city of Oconto through said counties; also that the counties of Marathon, Clark and Chippewa may dispose of and convey all such lands within their respective borders to any railroad corporation which shall hereafter construct, equip and operate a railroad from the county seat of either of said counties to the border thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

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SECTION 2. That said town of Waukesha shall at all times hereafter furnish to the state industrial school of Waukesha, of the state of Wisconsin, when requested by the proper officer or friends of deceased inmates of said school, proper and suitable burial places for all deceased inmates of said schools. Burial places.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 308, A.] [Published March 27, 1882.]

CHAPTER 137.

AN ACT to authorize R. Ayres, C. Rich and their assigns to construct and maintain a dam across Blake brook, in Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Raymond Ayres, C. Rich and their assigns are hereby authorized to construct and maintain a dam across Blake brook, on the south half of the northeast quarter of section number thirty-five, in township number twenty-four north, of range number twelve east, in the county of Waupaca, said dam to be constructed and maintained for the purpose of facilitating the driving of logs and timber down said stream; provided, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid persons, and their assigns, shall build suitable slides in said dam for running logs and timber over the same, and shall keep the same in repair, and shall charge no tolls upon logs and timber running over the same. May maintain a dam.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 135, A.] [Published March 28, 1882.]

CHAPTER 138.

AN ACT for the protection of the valleys of Neenah creek and Fox river from overflow.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appoint a commission.

SECTION 1. For the purpose of protecting the lands in the valleys of Neenah creek and Fox river from inundation and overflow by the waters of the Wisconsin river, and for reclaiming the lands so subject to overflow, the governor is hereby authorized to appoint a commission of three persons, one of whom shall be a practical civil engineer, whose duty it shall be to provide for the erection of a levee of sufficient width, height and berme to prevent the Wisconsin river from overflowing its banks on the northerly side of said river, in the town of Lewiston, and discharging its surplus waters into said Neenah creek and Fox river via what is known as Big Slough, a tributary to Neenah creek, in Columbia county Wisconsin.

Appropriation.

SECTION 2. To defray the expenses of erecting said levee, there is hereby appropriated, out of the drainage fund, to the commissioners named in section one of this act, the sum of six thousand dollars, or so much thereof as may be necessary, which sum is hereby authorized to be drawn from the treasury when they shall have filed a report with the governor, showing in what manner such levee has been constructed, and a detailed statement of the expenses incurred in constructing it, which report and bill of expenses shall be approved by the governor; provided, however, that said report shall be accompanied by a resolution of the town board of supervisors of Lewiston in said Columbia county, agreeing to maintain said levee at the same height, and in as good condition as it was when it was completed by the commissioners provided for by this act, for the period of twenty-five years.

Let by contract.

SECTION 3. The work of constructing said levee shall be let by contract to the lowest and best bidder, and no bids shall be accepted or entertained which exceeds the amount appropriated by this act, unless the town board of supervisors of Lewiston, or other proper authority or responsible persons shall legally obligate itself or themselves to the satisfaction of the governor to pay all expenses incurred in erecting said levee in excess of the amount appropriated by this act; and no obligation on the part of the state to pay any greater sum than the amount of six thousand dollars

hereby appropriated for building said levee including the expenses paid to the commissioners and engineer, shall be created or incurred.

SECTION 4. The commissioners and constituted authorities of the town of Lewiston, provided for by this act, are hereby authorized to enter upon and pass over any inclosure or lands, together with all needful aid, for the purpose of locating, constructing, repairing and maintaining said levee. Shall have free access.

SECTION 5. For the purpose of acquiring title to any real estate that may be necessary for the construction of the levee hereby provided for, the provisions of chapter 87 of the revised statutes of Wisconsin, relating to acquiring land by right of eminent domain, are hereby declared applicable to and a part of this act. Eminent domain.

SECTION 6. The commissioners appointed under this act shall not be entitled to more than five dollars per day while discharging any duty under this act, nor pay for more than twelve days each while so engaged: provided, however, that they may appoint one of their number superintendent of construction, who shall be entitled to such compensation as the other commissioners may determine to be reasonable and just, and shall be approved by the governor. Compensation.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 110, S.] [Published March 28, 1882.]

CHAPTER 139.

AN ACT to amend section 635 of the revised statutes, entitled "of the militia."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 635 of the revised statutes of the year 1878, is hereby amended by adding thereto at the end thereof the following: Provided, whenever it shall appear to the satisfaction of the governor that any of the payments or allowances authorized by this chapter for armory rent and expenses, clothing fund or subsistence allowances, shall have been withheld from any company by reason of any failure in compliance with any of the requirements of this chapter, not arising from any defect in the organization, discipline or instruction of such company; nor for any reason affecting In regard to the militia.

the efficiency of such company as a part of the national guard; then and in such case the accounts of such company, with the certificate of the governor thereto annexed, stating that such payment and allowance has not been withheld for any of the causes hereinbefore mentioned, may be audited by the secretary of state, and when so audited shall be paid out of the state treasury to the commanding officer of such company, on such vouchers and receipts as the governor may direct; provided further, that the allowance of any such account shall not cause any greater expenditure on account of the national guard than is allowed by the provisions of this chapter in case all of its technical requirements are fully met; provided further, that application for such compensation and proof of facts upon which it is based be filed with the governor within thirty days from the date of the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 148, S.] [Published March 21, 1882.]

CHAPTER 140.

AN ACT to repeal section 5 of chapter 37 of the laws of Wisconsin for the year A. D. 1881, entitled an act to change the third and fourth judicial circuits and to create the thirteenth judicial circuit, and to amend section 2424 of chapter 113 of the revised statutes of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When court shall be held.

SECTION 1. So much of section 2424 of chapter 113 of the revised statutes of Wisconsin as relates to the third circuit of the circuit courts of the state of Wisconsin is hereby amended to be and read as follows: Third circuit. In the county of Calumet, on the first Monday in January and the third Monday in May. In the county of Green Lake, on the third Monday in January and the first Monday in June. In the county of Winnebago, on the Monday next after the first Tuesday in April and the second Monday in November.

SECTION 2. Section 5 of chapter 37 of the laws of Wisconsin for 1881, entitled an act to change the third and fourth judicial circuits and to create the thirteenth judicial circuit is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 136, S.] [Published March 27, 1882.]

CHAPTER 141.

AN ACT to revise, consolidate and amend chapter 231 of the laws of 1881, entitled "an act relating to the incorporation of the city of Oconomowoc, and amendatory of chapter 239 of the laws of 1879."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 231 of the laws of 1881 is hereby revised, consolidated and amended so as to read as follows: Section 1. The amount of the highway fund for the said city, exclusive of the poll taxes, shall be determined by the common council thereof, on or before the third Monday in November in each year, and shall be raised in money, but the sum fixed for the said highway fund shall not exceed one mill upon the dollar of the assessed valuation of the property in said city at said time. This limitation is not to apply to moneys raised for the building of bridges or repairing of bridges or approaches thereto. Tax shall not exceed one mill.

SECTION 2. The amount so fixed and determined by said common council for highway fund purposes shall be collected and received by the treasurer of said city, and shall remain in his hands, and shall not be paid out or expended except as is hereafter provided for in this act, and this amount, together with the poll tax collected by the street commissioner, shall constitute the entire highway fund of said city for the fiscal year, and under the direction of the common council and street committee thereof, it shall be expended by the street commissioner in repairing and grading the streets of said city, and in keeping said streets free from filth and obstructions; said moneys shall not be expended faster than the said common council may direct, and a reasonable sum shall be kept on hand to be expended during the year in keeping the streets clean and passable. Highway

SECTION 3. The street commissioner of said city shall, under control of the common council thereof, or its committee on streets, have the supervision of all work done on the streets and highways of said city; but the common council may, by resolution, direct the letting by contract of any work on said streets, gutters, sidewalks or bridges as it may see fit. It shall be the duty of the street commissioner at all times to obey the orders, directions and resolutions of the common council of said city, or its street committee, whether verbal or in writing. His failure so to do so shall be Letting of work by contract.

good cause for removal, which may be done by the said common council, by resolution thereof, after notice and hearing. On said removal said common council shall, by a majority vote, select his successor, who shall hold the office for the unexpired term. After said successor shall have been so elected and shall have qualified for the office, he shall demand of his predecessor all the books, papers, moneys and property belonging to said office from him. Said commissioner so removed shall forthwith, on such demand immediately surrender to his successor all the books, papers and records belonging to said office in his hands, and shall pay over all moneys in his hands held by virtue of his said office; and on his failure to do so his bond and the sureties thereof shall be liable in an action to recover the same brought by said city. He shall also make such account to the common council of said city of all his doings as it by resolution shall direct.

Report of condition of streets.

SECTION 4. It shall be the duty of the said street commissioner to make report of the condition of the streets of said city, and estimate the amount necessary to be raised for highway purposes, whenever the said common council shall demand it. He shall not expend in any one year any greater sum upon the streets of said city than the funds provided for that year, unless the common council shall direct it otherwise. And it shall be the further duty of said commissioner to employ men and utensils and teams by the day to perform the necessary labor on said streets and highways, and to procure such implements and materials for use in the labor on said streets as shall, on conference with the common council or its committee on streets, be deemed necessary; and he shall keep an accurate account of all materials so procured, and of all men, utensils and teams so employed by him, and be able to certify to their account therefor.

Accounts audited.

SECTION 5. All accounts against said city for materials furnished, and all work or services performed for the city by and under the direction of the street commissioner, and used for street purposes, including the street commissioner's services, shall be audited by the common council, and shall be paid out of the "highway fund," by orders drawn specifically against that fund, and issued in the same manner as provided for the issuing of orders in the settlement of other accounts against the city; provided however, that the expense of building any bridge, or the repairing there-

of, shall be provided for and paid out of the "general fund" of said city.

SECTION 6. All bills and accounts against the city, created by or under the direction of the street commissioner, shall be made out in favor of the persons to whom the same are due, with items and corresponding dates, and shall be verified by such creditors, or some one in their behalf, and shall be certified to by the street commissioner as being a correct and proper account to be paid. The prices paid for labor shall be regulated by the usual prices paid in and about the city for like services in the year, and the common council may by resolution determine the amount. Bills, how made out.

SECTION 7. The street commissioner shall be paid for his services, and for every day's service, actually rendered, shall receive for his compensation each year, such a sum as the common council may by resolution determine. And such compensation shall be paid out of the "highway fund" of said city. Pay for services.

SECTION 8. On or before the first Monday in March of each year, the said street commissioner shall make a report and account of all his doings as street commissioner for the past year, verify the same, and file it together with the poll tax list and all books upon which his accounts are kept with the city clerk. Street commissioner shall make his report.

SECTION 9. The said street commissioner shall before he enters upon the duties of his office execute a bond to the said city of Oconomowoc, conditioned that he will account for and make proper application and payment of all moneys that may come into his hands by virtue of his office; that he will obey the orders and directions of the common council and street committee of said city, and that he will in all things faithfully discharge the duties of said office according to law and the statute in such case made and provided. Said bond shall be in such penal sum as the common council shall determine, and shall be with at least two sureties to be approved by said council. Shall execute a bond.

SECTION 10. Every male inhabitant of the city over twenty-one years of age, and under the age of fifty years, excepting all disabled soldiers, who served in the late war, paupers, idiots and lunatics, and such others as may be exempted by law, shall be assessed and pay a poll tax of one dollar and fifty cents, or one full day's work to be performed on the streets of said city under the direction of the street commissioner. Who are liable to pay poll taxes.

SECTION 11. On or before the fifteenth day of May in each year, the street commissioner shall make a list Shall make a list.

of all persons in the city, liable to pay a poll tax, certify to the same, and file it with the city clerk. The said clerk shall place in the list the names of all persons in addition thereto, which he may, by any means, ascertain to be liable to pay said poll tax, and on or before the twentieth day of May in each year, the city clerk shall make a complete list in duplicate of all persons liable to pay a poll tax in said city, and annex thereto a warrant in the following form:

Shall collect poll tax.

To the street commissioner of the city of Oconomowoc: You are hereby required to collect from the several persons in the annexed list a poll tax as by law established, within the time by law limited, and to apply the tax by you collected in repairing, graveling, or grading the streets of this city, and to this warrant make due return as by law required.

Dated the —— day of ——, 18—.

——, Mayor.

——, City Clerk.

Which shall be signed by the mayor and city clerk, and one of which shall be delivered to the street commissioner on or before the day above mentioned, and the other shall be filed in the city clerk's office.

Shall notify persons.

SECTION 12. The said street commissioner shall notify such persons in such list of the time and place when they may work out said tax by labor if they shall choose, and if such persons so notified shall not appear and work the same, at the time and place by the said commissioner designated, it shall be taken that such person so liable shall have elected to pay said tax in money, instead of labor. The said street commissioner shall then demand payment thereof in money, and in case any such person shall neglect or refuse to pay such tax in money for ten days thereafter, then such street commissioner in the name of the city shall sue for and collect said tax with fifty per centum damages on the same with costs of suit, before any justice of the peace of said city, and in default of payment of any judgment obtained on such suit, execution shall issue against the defendant as in cases of tort, and the first process in such actions shall be by civil warrant. And the said street commissioner, while said list is in his hands for collection, may put upon the same the names of all such persons liable to said tax as have been omitted therefrom, who shall then be liable the same as if their names were originally placed in such list; but the common council may by resolution at any

time strike any name from said list, in its opinion improperly there.

SECTION 13. All of said chapter 231 of the laws of 1881, not incorporated in this act, and all acts and parts of act in conflict herewith are hereby repealed.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 225, A.] [Published March 27, 1882.]

CHAPTER 142.

AN ACT to legalize the official acts of Henry Nyhus, a justice of the peace.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Each and every of the official acts of Henry Nyhus, elected a justice of the peace in and for the county of Adams, at the annual town meeting of the town of Strong's Prairie, in said county, held in April, 1881, done and performed since the first day of May, A. D. 1881, are hereby made and declared to be as lawful and valid as though the official oath and bond of the said Henry Nyhus had been filed in the office of the clerk of the circuit court of said Adams county within the time prescribed by law. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 387, A.] [Published March 28, 1882.]

CHAPTER 143.

AN ACT to amend section 832 of chapter 39 of the revised statutes, relative to the duties of town clerks.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 832 of chapter 39 of the revised statutes is hereby amended by adding thereto the following: 13. It shall be the duty of the town clerks to post correct duplicates of the report of the town board, as provided in sub-section 8 of said section 832, on the morning of election day of each year, in three public places, as convenient as possible for the examination of said report by all the voters in said precinct. Amended.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 412, A.] [Published April 1, 1882.]

CHAPTER 144.

AN ACT to authorize John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglas, their heirs or assigns, to erect and maintain a dam across the north fork of Hay river, Barron county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May erect a dam.

SECTION 1. John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglas, their heirs and assigns, are hereby authorized to construct and maintain a dam across the north fork of Hay river, on land owned by the Knapp, Stout & Co. company, to-wit: South-east quarter of the south-west quarter of section number twenty-one (21), township number thirty-two (32), range number thirteen (13) west, Barron county, said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of faciliating the driving of logs and timber down said stream; provided, that said dam shall not interfere with the rights of other persons heretofore acquired. The aforesaid persons, their heirs and assigns shall build suitable slides in said dam for running logs, timber and lumber belonging to any and all other parties free of expense and charge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 74, A.] [Published April 14, 1882.]

CHAPTER 145.

AN ACT to authorize S. A. Sherman to maintain a dam across the Big Plover river in Portage county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Maintain a dam.

SECTION 1. S. A. Sherman, his heirs and assigns, are hereby authorized to maintain a dam they have heretofore erected across the Big Plover river on section nine (9), town twenty-three (23), range eight (8) east, by keeping a free and open passage for logs timber and lumber; provided, said S. A. Sherman, his heirs and assigns, shall be subject to all the provisions of chapter 70 of the revised statutes of Wisconsin of 1878, and all acts amendatory thereto, so far as the same may be applicable.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 152, A.] [Published April 10, 1882.]

CHAPTER 146.

AN ACT amending sections 1929, 1932, 1934 of the revised statutes, section 1, chapter 13, laws of 1881, section 1, chapter 42, laws of 1881, and section 1937 of the revised statutes, all relating to town insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1929 of chapter 89 of the revised statutes is hereby amended by striking out all after the words "four o'clock P. M.," where they occur in the eighth line, and inserting in lieu thereof the words "of such days of each week as may be determined by the annual meeting of such corporation," so that said section when so amended shall read as follows: Section 1929. The directors shall hold their offices for one year and until their successors are elected; they shall choose one of their number president, and a secretary and a treasurer, and keep a record of all their proceedings in a book kept for that purpose, together with the names and places of residence of all persons insured, and the amount for which each is insured, which shall be kept open for inspection of all members of such corporation from the hour of nine o'clock A. M. to four o'clock P. M., of such days of each week as may be determined by the annual meeting of such corporation. Amended.

SECTION 2. Section 1932 of chapter 89 of the revised statutes is hereby amended by inserting after the word "lightning," where it occurs in the fifth line, the words "and providing for such conditions of insurance as may be determined by the by-laws of such corporation, or by the resolutions of its annual meeting," and by adding at the end of said section the following: "The board of directors, however, may delegate such authority to a committee of not less than three, at least two of whom shall be directors," so that said section, when so amended shall read as follows: Section 1932. The board of directors may issue policies of insurance signed by the president and secretary, agreeing in the name of the corporation to pay to the insured all loss or damage of and to the property mentioned and described therein, which may be occasioned by fire or lightning, and providing for such conditions of insurance as may be determined by the by-laws of such corporation or by the resolutions of its annual meeting; and the said board of directors or the corporation may classify the property insured at the time of issu- Amended.

ing policies thereon under different rates, corresponding, as near as may be, to the greater or less risk from fire and loss which may attach to the several buildings or personal property insured. The board of directors, however, may delegate such authority to a committee of not less than three, at least two of whom shall be directors.

Amended.

SECTION 3. Section 1934 of chapter 89 of the revised statutes is hereby amended by inserting after the word "damage" where it occurs in the ninth line, the words: "provided, that the board of directors may appoint a committee of not less than three members of the corporation for the adjustment of all losses that may occur during the year," so that said section, when so amended, shall read as follows: Section 1934. Every member of such corporation, who may sustain loss or damage by fire or lightning, shall immediately notify the president of such corporation, or, in his absence, the secretary thereof, who shall forthwith convene the directors of said corporation, whose duty it shall be, when so convened, to appoint a committee of not less than three nor more than five members of such corporation, except in case the loss is supposed to be less than three hundred dollars, the president and secretary to appoint such committee to ascertain the amount of such loss or damage; provided, that the board of directors may appoint a committee of not less than three members of the corporation for the adjustment of all loses that may occur during the year, and in case of the inability of the parties to agree upon the amount of such loss or damage, the claimant may appoint one disinterested person on his part and upon receiving notice from such claimant of such appointment the president of the corporation shall forthwith appoint a member of such corporation, and the two persons so appointed shall forthwith proceed to appoint a third person who shall be disinterested, and the three persons so appointed shall constitute a committee of reference, who shall have full authority to examine witnesses, and to determine all matters in dispute, who shall make their award to the president, or, in his absence, to the secretary of such corporation, which award thereon shall be final. The said committee of reference shall each be allowed the sum of two dollars per day for each day's service so rendered, and the sum of five cents per mile necessarily traveled in the discharge of such duties, which shall be paid by the claimant, unless the award of said committee shall ex-

ceed the sum offered by the corporation in liquidation or such loss or damage, in which case said expense shall be paid by said corporation.

SECTION 4. Section 1 of chapter 13 of the general laws of 1881 is hereby amended by inserting in the fifteenth line thereof, and between the words "thereof" and "together," the following words: "and of the necessary business expenses of such corporation," so that said section when so amended shall read as follows: Section 1. Amend section 1933 of the revised statutes by adding after the word "thereof" where it occurs in the sixth line of said section, the following: "together with all legal costs and charges incurred in case legal proceedings are commenced to collect any assessment made upon him," so that said section when so amended shall read as follows: Section 1933. Every person to whom any such policy is issued shall be deemed a member of such corporation, and shall give his undertaking, bearing even date with the policy so issued to him, binding himself, his heirs and assigns, to pay his pro rata share to the corporation of all losses or damages by fire or lightning, which may be sustained by any member thereof, and of the necessary business expenses of such corporation, together with all legal costs and charges incurred in case legal proceedings are commenced to collect any assessment made upon him; and every such undertaking shall, within ten days after its acceptance, be filed in the office of the secretary, and shall remain on file in such office, except when required to be produced in court as evidence. He shall also at the time of effecting such insurance, pay such percentage in cash, and such reasonable sums for a policy as may be required by the rules or by-laws. Amended.

SECTION 5. Amend section 1, of chapter 42 of the laws of 1881, by striking out the words "at the time of making the assessment therefor" where they occur in the thirty-second and thirty-third lines, and by adding at the end of said section the following words: "Every member of such corporation who shall either neglect or refuse to pay such assessment at the time specified in the notice sent him in compliance with the provisions of this section, shall pay to such corporation a fine of two per cent. of the amount of such assessment for each week or part thereof during which such assessment shall remain due and unpaid" so that said section when so amended shall read as follows: Section 1. Section 1 of chapter 251 of the general laws of 1879 is hereby amended by striking out Amended.

the word "two," where it occurs in the eighteenth line of said section, and insert in lieu thereof the word "three," so that said section, when so amended, shall read as follows: Section 1. Whenever the amount of any loss so ascertained shall exceed the amount of the cash funds of the corporation, the president shall convene the board of directors, who shall make an assessment upon all property insured by such corporation, in proportion to the amount thereof and the rate under which it may be classified, sufficient at least to pay such loss; provided, however, that such board of directors shall be authorized, if they see fit to do so, to assess up to three and a half mills, even if such loss should not require such an amount; and when such assessment shall have been completed, the secretary shall immediately notify every member of such corporation, by letter or postal card sent to his usual post-office address, of the amount of such loss, and the sum due from him as his share thereof, and the time when and to whom payment thereof is to be made, which time shall not be less than sixty days nor more than ninety days from the date of such notice; and the treasurer or person designated to receive such money may demand and receive two per cent. in addition to the amount of each such assessment for his fees in receiving and paying over the same. Such assessment, when collected, shall be paid to the person entitled thereto, according to the terms of the policy issued to him; provided, that if any loss shall occur during the first eight months of any year, the board of directors may borrow money sufficient to pay such loss, at a rate of interest not exceeding eight per cent., and shall therein include the interest in the assessment, and direct payment of such assessment to be made not later than the thirty-first day of December next following. Every member of such corporation who shall either neglect or refuse to pay such assessment, at the time specified in the notice sent him in compliance with the provisions of this section, shall pay to such corporation a fine of two per cent. of the amount of such assessment for each week or part thereof during which such assessment shall remain due and unpaid.

Amended. SECTION 6. Amend section 1937 of the revised statutes by inserting after the word "thereof," where it occurs in the fourth line, the words "or such and so many of them as they may have appointed as a committee for such purpose," so that said section, when so amended, shall read as follows: Section 1937. Any

member of such corporation may withdraw therefrom at any time by giving notice in writing to the president, or, in his absence, to the secretary thereof, and paying his share of all claims then existing against said corporation; and the directors, or a majority thereof, or such and so many of them as they may have appointed as a committee for such purpose, shall have power to annul any policy by giving notice in writing to that effect to the holder thereof.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1882.

[No. 32, A.] [Published March 28, 1882.]

CHAPTER 147.

AN ACT to repeal chapter 248 of the laws of 1880, also to repeal chapter 296 of the laws of 1881, relating to fishways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 248 of the laws of 1880, entitled "an act to compel the owners, proprietors and occupants of dams in the counties of Iowa and La Fayette, to construct and maintain fishways;" also chapter 296 of the laws of 1881, entitled an act in relation to fishways, and amendatory of chapter 248 of the general laws of the state of Wisconsin for the year 1880, entitled "an act to compel the owners, proprietors and occupants of dams in the counties of Iowa and La Fayette to construct and maintain fishways," are hereby repealed. Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 71, A.] [Published March 28, 1882.]

CHAPTER 148.

AN ACT to appropriate to the Clark County Agricultural Society a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Clark County Agricultural Society, out of any moneys in the general fund not otherwise appropriated, the sum of one hundred dollars for the year A. D. 1881. Appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 131, A.] [Published April 7, 1882.]

CHAPTER 149.

AN ACT to appropriate the sum of five hundred dollars to the Central Wisconsin Agricultural and Mechanical Association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated out of the general fund to the Central Wisconsin Agricultural and Mechanical Association the sum of five hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 195, A.] [Published March 28, 1882.]

CHAPTER 150.

AN ACT to amend sections 2484, 2494, 2497 and to repeal section 2486 of the revised statutes, relating to the municipal court of the city and town of Ripon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 2484 of chapter 115 of the revised statutes of 1878 is hereby amended by inserting after the word "appeals" and before the word "from" in the fourth line thereof, the words "civil and criminal."

SECTION 2. Section 2494 is hereby amended so as to read as follows: Section 2494. The clerk of said court shall procure at the expense of the city of Ripon, under the direction and with the consent of its common council, all necessary blanks, printing, stationery, court and jury rooms, furniture, book and paper cases, books, desks, lights and fuel for said court and clerks.

SECTION 3. Section 2497 is hereby amended so as to read as follows: Section 2497. If a jury is not demanded by either party when a cause is called for trial in such court, or if the party demanding a jury shall fail to pay the fees therefor hereinafter prescribed, a jury trial shall be deemed waived and the cause shall be tried by the court unless the judge shall otherwise direct. If, at the time any cause is called for trial, either party entitled thereto shall demand a jury, and shall, at the same time, pay to the clerk the sum of three dollars therefor and two dollars for the fees of summoning them, the clerk shall draw a jury

from the list furnished him as hereinbefore provided and issue a venire therefor returnable at a time fixed by the court. Peremptory challenges and challenges for cause may be made as in case of drawing a jury in the circuit court, except that each party shall be entitled to six peremptory challenges from a full panel of jurors called in an action, and except that the persons drawn need not be present. Juries may also be drawn from such list and summoned in like manner when necessary for an assessment of damages.

SECTION 4. Section 2486 is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 5, A.] [Published April 8, 1882.]

CHAPTER 151.

AN ACT relating to exemptions from supbœna, and amendatory of section 588, chapter 32 of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section number 588 of chapter number 32 of the revised statutes of Wisconsin for the year 1878, is hereby amended by adding thereto, at the the end thereof, the following: "Provided, however, that no person shall be entitled, in any case, to make and file such affidavit, exempting him from subpœna as aforesaid, who shall, upon tender of the usual fees of witnesses in courts of record, refuse to be present and to give his deposition at his office or usual place of business, or instead thereof, at his house or usual place of abode. Provided, further, that any person so present and giving his deposition at his office, or usual place of business, or instead thereof, at his house or usual place of abode, who shall be detained four hours from the time fixed for the taking of such deposition, or from the time to which the taking of the same may have been adjourned, may make affidavit that further detention would be seriously detrimental or hazardous to the welfare of the persons or business in or under his charge; and such affidavit having been made, the justice of the peace, court commissioner, notary public or other authorized officer before whom such deposition is being given, shall thereupon adjourn further proceedings thereon to a future day. **Exemptions from subpœna.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

of Chippewa, while any bonds of said county are outstanding and unpaid.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 18, S.] [Published March 27, 1882.]

CHAPTER 153.

AN ACT to amend sections 99, 113 and 114, and to repeal sections 115 and 116 of chapter ten of the revised statutes, entitled "of the legislature."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 99 of chapter 10 of the revised statutes of 1878, as amended by chapter 1 of the laws of 1879, is hereby amended so as to read as follows: Section 99. The regular session of the legislature shall commence at 12 o'clock M. on the second Wednesday of January of the year 1883, and biennially thereafter upon the same day and month.

Shall furnish stationery. Amended.

SECTION 2. Section 113 of the said chapter 10 is hereby amended so as to read as follows: Section 113. The superintendent of public property shall furnish at the opening of every session of the legislature stationery as follows: To the lieutenant governor such quantity as shall be necessary to the discharge of his duties, not exceeding thirty dollars in value. Also sufficient stationery for the proper transaction of the business of the senate and assembly, to be delivered to the chief clerks upon their written request, specifying the quantity and kind of stationery required, and the department and purpose for which the same is drawn.

SECTION 3. Sections 115 and 116 of chapter 10 of the revised statutes are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 99, S.] [Published March 27, 1882.]

CHAPTER 154.

AN ACT to amend chapter 234 of the laws of 1877, entitled "an act to require Christian Burkhardt, his heirs and assigns to sluice logs through a certain dam on Willow river now owned by him and to authorize the collection of tolls for such sluicing."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 234 of the general laws of Wisconsin for the year 1877, is hereby amended by striking out the word "fifteen" where it occurs in the fifth and sixth lines of said section, and inserting in lieu thereof the word "ten" so that said section when amended shall read as follows: Section 2. The said Christian Burkhardt, his heirs and assigns are hereby authorized to demand, receive, sue for and collect from the owner or owners of logs so sluiced through said dam as a compensation for the services rendered in so sluicing said logs the sum of ten cents per thousand feet, board measure, for all logs sluiced through the same, which amount shall be and remain a lien upon the logs so sluiced, and which lien may (be) enforced in the same manner as the lien of laborers on logs is enforced under the provisions of chapter 154 of the general laws of the state for the year 1862 and the acts amendatory thereof. Amended. Compensation.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 18, 1882.

[No. 106, S.] [Published April 7, 1882.]

CHAPTER 155.

AN ACT to authorize towns, cities and villages to purchase and hold certain bridges or interests therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be lawful for any town or towns in this state to purchase and hold, either in severality or in common, any bridge or bridges, and the approaches thereto, or any interest in such bridges and approaches that are or may be legally erected over any stream or river which divides or forms the boundary line between two or more towns. And it shall be lawful for any city or village situated in the same county with any town or towns making such purchase, or in an adjoining Town may hold bridges.

county, to unite with the same in purchasing or holding such bridge or bridges in common with said town or towns.

Question shall be submitted at special meeting.

SECTION 2. No town shall in any manner, make such purchase until the question of making the same shall have been duly submitted at an annual town meeting of said town, or at a special town meeting called in the manner now provided by law, and a majority of the electors of such town voting at such meeting shall have voted by ballot in favor of making such purchase. In taking such vote the electors voting for such purchase shall vote a separate ballot containing the words: "For the purchase of bridge," and those voting against the same shall vote a ballot containing the words: "Against the purchase of bridge." And no city or village shall join or unite with such town or towns in making any such purchase until the question of so doing shall have been submitted to the electors of said city or village in a manner substantially similar to that herein provided for submitting such question to the electors of towns, or in the manner provided in the charter or act by which such city or village was incorporated for submitting other questions to said electors.

May execute all contracts.

SECTION 3. When any town shall have legally voted in favor of purchasing such bridge or bridges, or any interest therein, the town board of such town shall have power to make and execute all necessary contracts and papers relative to such purchase, and shall have the care, control and management of the same when purchased; and the common council of any city, and the board of trustees of any village, shall, under like circumstances, have a similar power.

May raise money.

SECTION 4. The qualified electors of any such town shall have power, at any annual town meeting, or at a regularly called special town meeting, to vote to raise money sufficient for said purchase, or to authorize the town board to issue and negotiate bonds for the purpose of paying for the same; and any city or village joining in such purchase shall have a like power to raise money or issue and negotiate bonds to pay for the same.

SECTION 5. All acts or parts of acts inconsistent and conflicting with this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No 107, S.] [Published March 28, 1882.]

CHAPTER 156.

AN ACT to amend chapter 165 of the laws of 1879, entitled an act to amend chapter 170 of the private and local laws of 1857, entitled an act to incorporate the Yellow River Improvement Company, and chapter 116 of the private and local laws of 1871, entitled an act to amend chapter 186 of the private and local laws of 1869, entitled an act to amend chapter 398 of the private and local laws of 1868, entitled an act to amend chapter 170 of the private and local laws of 1857, entitled an act to incorporate the Yellow River Improvement Company and the acts amendatory thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 165 of the laws of 1879, entitled an act to amend chapter 170 of the private and local laws of 1857, entitled an act to incorporate the Yellow River Improvement Company, and chapter 116 of the private and local laws of 1871, entitled an act to amend chapter 186 of the private and local laws of 1869, entitled an act to amend chapter 398 of the private and local laws of 1868, entitled an act to amend chapter 170 of the private and local laws of 1857, entitled an act to incorporate the Yellow River Improvement Company, and the acts amendatory thereto, is hereby amended by adding to the end thereof the following: Provided that if the cost and expenses incurred by the said corporation for breaking in the roll ways, breaking up the ice and driving such logs, timber, lumber and other materials aforesaid out of any of the tributaries of the said Yellow river into the main stream, shall exceed the said sum one and one-fourth cents per thousand feet, board measure, per mile, then the said corporation, the Yellow River Improvement Company, in lieu of the sum of one and one-fourth cents per mile per thousand feet as aforesaid, may and is hereby authorized to (charge), collect and receive from the owner or owners of such logs, timber, lumber and other materials, the actual amount of the cost and expenses incurred for breaking in said roll ways, breaking up the ice and driving such logs, timber, lumber and other materials aforesaid, out of any of said tributaries into the main stream of said Yellow river, and said corporations shall be entitled to a lien thereon and may enforce the same in the manner heretofore provided in this section. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.

[No. 125, S.] [Published March 28, 1882.]

CHAPTER 157.

AN ACT to amend chapter 5 of the laws of 1881, entitled "an act fixing the terms of the circuit court for Lincoln county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court.

SECTION 1. Section 1 of chapter 5 of the laws of 1881 is hereby amended by striking out the word "fourth" in the second line of said section, and inserting in lieu thereof the word "third," so that said section when so amended shall read as follows: Section 1. The terms of the circuit court for Lincoln county shall hereafter be held on the third Tuesday in February and the fourth Tuesday in September of each year.

SECTION 2. This act shall take effect and be in force from and after March 15th, 1882.

Approved March 18, 1882.

[No. 170, S.] [Published March 28, 1882.]

CHAPTER 158.

AN ACT to amend section 4942 of chapter 201 of the revised statutes, entitled "of the state prison."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to state prison.

SECTION 1. Section 4942 of chapter 201 of the revised statutes, entitled "of the state prison," is hereby amended by adding at the end thereof the following: The provisions of this section shall not be construed to authorize the diminishment of the period of confinement of any convict sentenced for life, whose term of imprisonment has been commuted to a term of years, so as to reduce the term of imprisonment to a shorter time than the term to which such sentence is commuted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 129, S.] [Published March 27, 1882]

CHAPTER 159.

AN ACT to amend chapter 250 of the private and local laws of 1871, entitled an act to amend chapter 337 of the private and local laws of 1870, entitled an act to authorize the Chicago & Northwestern Railway Company to guaranty certain bonds therein named, approved March 15, 1870.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 250 of the private and local laws of 1871, entitled "an act to amend chapter 337 of the private and local laws of 1870, entitled an act to authorize the Chicago & Northwestern Railway Company to guaranty certain bonds therein named, approved March 15, 1870," is hereby amended so as to read as follows: Section 1. Section 1 of chapter 337 of the private and local laws of 1870, entitled an act to authorize the Chicago & Northwestern Railway Company to guaranty certain bonds therein named, approved March 15, 1870, is hereby amended so as to read as follows: Section 1. The Chicago & Northwestern Railway Company, acting by its board of directors or the executive committee thereof, is hereby authorized and empowered to guaranty the payment of principal and interest, or either of them, of any bonds or other written obligations issued or hereafter issued by the Winona & St. Peter Railroad Company, a corporation of the state of Minnesota; or issued or hereafter issued by the La Crosse, Trempealeau and Prescott Railroad Company, a corporation of the state of Wisconsin; or issued or hereafter issued by the Iowa Midland Railroad Company, a corporation of the state of Iowa; or issued or hereafter issued by the Menomonee River Railroad Company, or by the Escanaba and Lake Superior Railroad Company, corporations of the state of Michigan; or issued or hereafter issued by the Minnesota Valley Railway Company, the Rochester & Northern Minnesota Railway Company, and the Plain View Railroad Company, all being corporations of the state of Minnesota; or issued or hereafter issued by the Chicago and Tomah Railroad Company, and by the Milwaukee and Madison Railway Company, corporations of the state of Wisconsin; or issued or hereafter issued by the Des Moines and Minneapolis Railroad Company, a corporation of the State of Iowa; such guaranty to be executed in such manner and form as the said board of directors or such executive committee

Guaranty the payment of bonds.

[No. 125, S.] [Published March 28, 1882.]

CHAPTER 157.

AN ACT to amend chapter 5 of the laws of 1881, entitled "an act fixing the terms of the circuit court for Lincoln county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court.

SECTION 1. Section 1 of chapter 5 of the laws of 1881 is hereby amended by striking out the word "fourth" in the second line of said section, and inserting in lieu thereof the word "third," so that said section when so amended shall read as follows: Section 1. The terms of the circuit court for Lincoln county shall hereafter be held on the third Tuesday in February and the fourth Tuesday in September of each year.

SECTION 2. This act shall take effect and be in force from and after March 15th, 1882.

Approved March 18, 1882.

[No. 170, S.] [Published March 28, 1882.]

CHAPTER 158.

AN ACT to amend section 4942 of chapter 201 of the revised statutes, entitled "of the state prison."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to state prison.

SECTION 1. Section 4942 of chapter 201 of the revised statutes, entitled "of the state prison," is hereby amended by adding at the end thereof the following: The provisions of this section shall not be construed to authorize the diminishment of the period of confinement of any convict sentenced for life, whose term of imprisonment has been commuted to a term of years, so as to reduce the term of imprisonment to a shorter time than the term to which such sentence is commuted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 129, S.] [Published March 27, 1882.]

CHAPTER 159.

AN ACT to amend chapter 250 of the private and local laws of 1871, entitled an act to amend chapter 337 of the private and local laws of 1870, entitled an act to authorize the Chicago & Northwestern Railway Company to guaranty certain bonds therein named, approved March 15, 1870.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 250 of the private and local laws of 1871, entitled "an act to amend chapter 337 of the private and local laws of 1870, entitled an act to authorize the Chicago & Northwestern Railway Company to guaranty certain bonds therein named, approved March 15, 1870," is hereby amended so as to read as follows: Section 1. Section 1 of chapter 337 of the private and local laws of 1870, entitled an act to authorize the Chicago & Northwestern Railway Company to guaranty certain bonds therein named, approved March 15, 1870, is hereby amended so as to read as follows: Section 1. The Chicago & Northwestern Railway Company, acting by its board of directors or the executive committee thereof, is hereby authorized and empowered to guaranty the payment of principal and interest, or either of them, of any bonds or other written obligations issued or hereafter issued by the Winona & St. Peter Railroad Company, a corporation of the state of Minnesota; or issued or hereafter issued by the La Crosse, Trempealeau and Prescott Railroad Company, a corporation of the state of Wisconsin; or issued or hereafter issued by the Iowa Midland Railroad Company, a corporation of the state of Iowa; or issued or hereafter issued by the Menomonee River Railroad Company, or by the Escanaba and Lake Superior Railroad Company, corporations of the state of Michigan; or issued or hereafter issued by the Minnesota Valley Railway Company, the Rochester & Northern Minnesota Railway Company, and the Plain View Railroad Company, all being corporations of the state of Minnesota; or issued or hereafter issued by the Chicago and Tomah Railroad Company, and by the Milwaukee and Madison Railway Company, corporations of the state of Wisconsin; or issued or hereafter issued by the Des Moines and Minneapolis Railroad Company, a corporation of the State of Iowa; such guaranty to be executed in such manner and form as the said board of directors or such executive committee

Guaranty the payment of bonds.

[No. 125, S.] [Published March 28, 1882.]

CHAPTER 157.

AN ACT to amend chapter 5 of the laws of 1881, entitled "an act fixing the terms of the circuit court for Lincoln county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court.

SECTION 1. Section 1 of chapter 5 of the laws of 1881 is hereby amended by striking out the word "fourth" in the second line of said section, and inserting in lieu thereof the word "third," so that said section when so amended shall read as follows: Section 1. The terms of the circuit court for Lincoln county shall hereafter be held on the third Tuesday in February and the fourth Tuesday in September of each year.

SECTION 2. This act shall take effect and be in force from and after March 15th, 1882.

Approved March 18, 1882.

[No. 170, S.] [Published March 28, 1882.]

CHAPTER 158.

AN ACT to amend section 4942 of chapter 201 of the revised statutes, entitled "of the state prison."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to state prison.

SECTION 1. Section 4942 of chapter 201 of the revised statutes, entitled "of the state prison," is hereby amended by adding at the end thereof the following: The provisions of this section shall not be construed to authorize the diminishment of the period of confinement of any convict sentenced for life, whose term of imprisonment has been commuted to a term of years, so as to reduce the term of imprisonment to a shorter time than the term to which such sentence is commuted.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 129, S.] [Published March 27, 1882]

CHAPTER 159.

AN ACT to amend chapter 250 of the private and local laws of 1871, entitled an act to amend chapter 337 of the private and local laws of 1870, entitled an act to authorize the Chicago & Northwestern Railway Company to guaranty certain bonds therein named, approved March 15, 1870.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 250 of the private and local laws of 1871, entitled "an act to amend chapter 337 of the private and local laws of 1870, entitled an act to authorize the Chicago & Northwestern Railway Company to guaranty certain bonds therein named, approved March 15, 1870," is hereby amended so as to read as follows: Section 1. Section 1 of chapter 337 of the private and local laws of 1870, entitled an act to authorize the Chicago & Northwestern Railway Company to guaranty certain bonds therein named, approved March 15, 1870, is hereby amended so as to read as follows: Section 1. The Chicago & Northwestern Railway Company, acting by its board of directors or the executive committee thereof, is hereby authorized and empowered to guaranty the payment of principal and interest, or either of them, of any bonds or other written obligations issued or hereafter issued by the Winona & St. Peter Railroad Company, a corporation of the state of Minnesota; or issued or hereafter issued by the La Crosse, Trempealeau and Prescott Railroad Company, a corporation of the state of Wisconsin; or issued or hereafter issued by the Iowa Midland Railroad Company, a corporation of the state of Iowa; or issued or hereafter issued by the Menomonee River Railroad Company, or by the Escanaba and Lake Superior Railroad Company, corporations of the state of Michigan; or issued or hereafter issued by the Minnesota Valley Railway Company, the Rochester & Northern Minnesota Railway Company, and the Plain View Railroad Company, all being corporations of the state of Minnesota; or issued or hereafter issued by the Chicago and Tomah Railroad Company, and by the Milwaukee and Madison Railway Company, corporations of the state of Wisconsin; or issued or hereafter issued by the Des Moines and Minneapolis Railroad Company, a corporation of the State of Iowa; such guaranty to be executed in such manner and form as the said board of directors or such executive committee

Guaranty the payment of bonds.

shall by resolution direct. And the guaranty heretofore executed by said Chicago and Northwestern Railway Company of the payment of the principal and interest of the bonds of the said Winona and St. Peter Railroad Company; and of the payment of the principal and interest of the bonds of said La Crosse, Trempeleau and Prescott Railroad Company; and of the payment of the principal and interest of the bonds of the said Iowa Midland Railroad Company; and of the payment of the principal and interest of the bonds of the said Menomonee River Railroad Company, and of the said Escanaba and Lake Superior Railway Company, and of the said Minnesota Valley Railway Company, and of the said Rochester and Northern Minnesota Railway Company; and of the said Plain View Railroad Company; and of the said Chicago and Tomah Railroad Company; and of the said Milwaukee and Madison Railway Company; and of the said Des Moines and Minneapolis Railroad Company, is hereby ratified and confirmed. And the said Chicago and Northwestern Railway Company is hereby authorized and empowered to possess, hold and own in its corporate capacity, and to sell and convey, the shares of the capital stock of the Elgin and State Line Railroad Company, a consolidated corporation of the states of Illinois and Wisconsin; the Stanwood and Tipton Railway Company, the Toledo and Northwestern Railway Company, the Iowa Midland Railway Company, the Iowa Southwestern Railway Company, the Des Moines and Minneapolis Railway Company, the Iowa Railway Coal and Manufacturing Company, and the Consolidation Coal Company, all corporations of the state of Iowa; the Menomonee River Railroad Company, a consolidated corporation of the states of Wisconsin and Michigan; the Chicago, Milwaukee & Northwestern Railway Company, a consolidated corporation of the states of Illinois and Wisconsin; the Escanaba & Lake Superior Railway Company, a corporation of the state of Michigan; the Winona & St. Peter Railroad Company, a corporation of the state of Minnesota; the Dakota Central Railway Company, a corporation of the territory of Dakota, and the Rock River Railway Company, a corporation of the state of Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.

[No. 231, S.] [Published March 28, 1882.]

CHAPTER 160.

AN ACT to repeal chapter 23, laws of 1879, relative to supplying private parties with trout.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 23, laws of 1879, relative to supplying private parties with trout, is hereby repealed. Trout.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.

[No. 236, S.] [Published March 28, 1882.]

CHAPTER 161.

AN ACT to appropriate certain money to the Superintendent of Public Property, to pay for railroad maps ordered by joint resolution number 11, Senate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Superintendent of Public Property, out of moneys not otherwise appropriated, a sufficient sum to pay for railroad maps ordered by him, as directed by joint resolution number 11, Senate; provided, said sum shall not exceed two hundred dollars. Railroad maps.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 239, A.] [Published March 28, 1882.]

CHAPTER 162.

AN ACT to amend chapter 185 of the laws of 1880, entitled "an act to amend chapter 34 of the revised statutes, entitled 'of the militia, and the acts amendatory thereof'" and to provide for the greater efficiency of the Wisconsin National Guard.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 185 of the laws of 1880 is hereby amended by striking out the words "and at the encampment for such year into which said company may be ordered," so that said section, when so amended, shall read as follows: Section 1. Section 623 of the revised statutes is hereby so amended as to In regard to the national guard.

read as follows: Section 623. Every company or battery of the Wisconsin National Guard shall provide suitable uniforms, which shall be the same prescribed for similar organizations in the United States army, unless the governor authorize or permit a different uniform to any company or battery. There shall be paid annually to each company or battery which shall be entitled to the benefits of this chapter, from the state treasury, for the purpose of aiding in procuring uniforms and keeping them in repair, a sum equal to five dollars for each of its members who are actually and fully uniformed, and are in attendance at the annual inspection, not to exceed seventy five members to each company, and no company with less than fifty-five members shall be entitled to such allowances. Such fund shall constitute the clothing fund of the company or battery, and shall be used or applied to no other purpose than the procuring or repair of uniforms. The governor shall order such payment to be withheld from any company or battery which shall be delinquent in returns or reports, neglectful of its duties, parades, drill or instruction, or guilty of any insubordination or misapplication of its funds drawn from the state. The governor may, by orders, require any or all of the companies to leave all or any part of such fund in the treasury on deposit, and to be expended for uniforms or repairs thereon, when and in such amount as he shall direct, and may make such orders or regulations, or require such security from officers, from time to time, as he deems necessary for the proper care or expenditure of said fund or the clothing procured therewith.

Guard formed into battalions.

SECTION 2. Section 2 of said chapter 185 of the laws of 1880, is hereby amended so as to read as follows: Section 2. Section 640 of the revised statutes is hereby so amended as to read as follows: Section 640. The governor may form the companies of the national guard into battalions and regiments and appoint officers therefor on the recommendation of a majority of the commissioned officers of the companies forming such battalion or regiment. Any number of volunteer companies, not less than three nor more than seven, may be formed into a battalion; and any number of companies, not less than eight nor more than twelve, may be formed into a regiment, and the officers of such regiment shall be a colonel, who shall be the commanding officer, one lieutenant-colonel and one major. A battalion of five or more companies shall be officered by a lieutenant colonel, who shall be

the commanding officer, and one major; and a battalion of three or four companies shall be commanded by a major. The staff of a colonel or a lieutenant-colonel or major commanding a battalion shall consist of one adjutant, one quartermaster and one judge advocate, each with the rank of first lieutenant; and one assistant surgeon, with the rank of captain, and, when the command consists of six or more companies, a surgeon, with the rank of major. The non-commissioned staff of a regiment or battalion shall consist of one sergeant-major, one quartermaster sergeant, one commissary sergeant, one hospital steward and one chief musician, to be appointed by the commanding officer. The governor may, with or without permanently organizing battalions or regiments, order the regiments, battalions or separate companies into encampment for military instruction, not to exceed six days in any year, and may fix the place of such encampment. Not less than four infantry companies shall be ordered into any encampment composed in whole or in part of infantry. Regiments, battalions or companies, when so ordered into encampment, shall be furnished by the state with transportation, tents and camp equipage, and an allowance for subsistence, and other expenses not herein provided for, equal to one dollar per day for each day's actual service in such encampment, or en route to and from the same, by each officer and enlisted man on duty at such encampment under orders, to be paid out of the state treasury on such vouchers and proofs as the governor may require and on his approval. The amount due on account of any company to be paid to its commanding officer, and the amount due on account of the field staff and non-commissioned staff and other officers and men, if any, on duty in such encampment, under orders, to be paid to the commanding officer of the regiment or battalion encamped. In case the proper discharge of the duties of any officer or enlisted man at such encampment requires that he shall be mounted, and he furnishes and uses in the discharge of his duty a proper mount, at his own cost, charges and risk, the subsistence allowance on his account shall be doubled for each day's actual service under orders, mounted. The allowances herein provided for may be withheld by order of the governor, and applied to the payment of any damages to grounds, buildings or property which may be caused by the fault or neglect of any officer or enlisted man in camp or en route to or from the same.

Wall tents.

SECTION 3. The governor is hereby authorized to detail a board of officers of the Wisconsin National Guard to prepare and report to him specifications for a sufficient number of wall tents and proper kind and quantity of camp equipage, of the kinds usually furnished to troops in camp, to comfortably encamp four hundred men with their proper complement of officers, and on his approval of their report, to purchase the tents and camp equipage specified therein for the use of the state troops.

Transportation.

SECTION 4. Payment for the property so purchased and for its transportation to and from any encampment, by order of the governor, and the transportation of troops as herein provided for, shall be paid out of the state treasury on such vouchers and proofs as the governor may direct, and on his approval.

Destroyed equipments.

SECTION 5. If any arms, equipments, tents, camp equipage or other military stores or property belonging to the state, shall be, or may have been heretofore, destroyed by fire, or otherwise lost or destroyed or damaged, without the fault or neglect of the officer responsible for the same, such officer may, by order of the governor, on the report of a board of survey or other satisfactory proof, be relieved of all liability therefor.

Exempt.

SECTION 6. The armory owned by any regiment, battalion or company, used exclusively for the purposes of such organization, shall be exempt from all taxes and assessments, except local assessments for the improvement of streets, sidewalks, sewerage or drains.

Army officers.

SECTION 7. The governor is hereby authorized to appoint any officer of the United States army who may be on duty as professor of military science and tactics in the state university or other institution of learning in this state, as aide-de-camp with the rank of colonel.

Appropriation.

SECTION 8. There is hereby appropriated out of any money in the state treasury not otherwise appropriated a sum sufficient to defray the expenses and pay the allowances authorized by this act.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 171, A.] [Published March 28, 1882.]

CHAPTER 163.

AN ACT to amend section 824 of the revised statutes of 1878 relating to actions against towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 824 of the revised statutes of 1878 is hereby amended so as to read as follows: Section 824. No action upon any claim or cause of action, for which a money judgment only is demandable, except upon town orders, bonds, coupons or written promises to pay any sum of money, shall be maintained against any town, unless a statement or bill of such claim shall have been filed with the town clerk to be laid before the town board of audit, nor until ten days after the next annual town meeting thereafter. Actions against towns.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No 80 A.] [Published March 28, 1882].

CHAPTER 164.

AN ACT for the protection of life and property while crossing Sturgeon Bay, in Door county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person to cut or remove any ice in Sturgeon Bay between lines running across Sturgeon Bay as follows: From St. John's street, in the village of Sturgeon Bay, to what is known as Tuck's point, in the town of Sturgeon Bay, in Door county, Wisconsin, and a line running across said Sturgeon Bay from Forest street, in the village of Sturgeon Bay, to the place known as Schjouth's pier, in the town of Sturgeon Bay, Door county, Wisconsin. Cutting ice in Sturgeon Bay.

SECTION 2. Any person who shall violate the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than 25 dollars nor more than one hundred dollars, for each and every offense, together with all costs of prosecution, and stand committed to the common jail of said county until such fine and costs are paid, or until otherwise discharged by law. Justices Penalty.

of the peace in and for said Door county, shall have jurisdiction of all complaints under this act.

SECTION 3. This act shall take effect and be in force from and after passage and publication.

Approved March 18, 1882.

[No. 220, A.] [Published April 1, 1882.]

CHAPTER 165.

AN ACT to change the boundaries of the counties of Oconto and Marinette and to create the county of Florence.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundaries.

SECTION 1. All that portion of the county of Oconto as heretofore constituted lying north of the line between townships thirty-seven (37) and thirty-eight (38), north of ranges fifteen (15) and sixteen (16), east of the fourth principal meridian, is hereby detached from the county of Oconto and attached to the county of Marinette, of which it shall hereafter be a part.

Territory embraced.

SECTION 2. All that portion of said county of Marinette as formed and constituted by the next preceding section, and lying and being within the following boundaries, to-wit: commencing at the southwest corner of township number thirty-eight (38) north of range number fifteen (15) east; running thence easterly along the line between townships thirty-seven (37) and thirty-eight (38) to the southeast corner of township number thirty-eight (38) north of range number nineteen (19) east; running thence northerly along the line between ranges nineteen (19) and twenty (20) east to the point where the same intersects the boundary line between the states of Wisconsin and Michigan, in the Menomonee river; thence northwesterly along said boundary line to a point where the same is intersected in the Brule river by the range line between ranges fourteen (14) and fifteen (15) east; thence southerly along said last mentioned range line into the place of beginning, is hereby detached from said county of Marinette constituted as last aforesaid and hereby created and constituted as a separate county to be known and designated as the county of Florence.

County of Florence.

Limits, etc.

SECTION 3. The county of Florence with the boundaries prescribed in the foregoing sections is hereby created with all the rights, powers and privileges by law granted to and conferred upon other counties within this state. Said county of Florence is attached to

and made a part of the tenth judicial circuit. There shall be held in the county of Florence at least two terms of the circuit court in each year, and, until otherwise provided by law, such terms of court shall be held at such times as the circuit judge thereof shall designate, and shall be held at the village of Florence, in township number forty (40) north, of range eighteen (18) east, which is hereby declared to be the county seat of said county. The judge of said court shall, immediately after the passage and publication of this act, give public notice of the times of holding such terms of court by causing notice thereof to be published in some newspaper printed in said county of Florence for at least six weeks prior to the three weeks immediately preceding the holding of the first term of said court. Terms of court.

SECTION 4. Within ten days after the passage and publication of this act, the governor of this state shall appoint in and for the county of Florence the following officers, to-wit: a county judge, district attorney, clerk of the circuit court, county clerk, sheriff, register of deeds, county treasurer, superintendent of schools, and coroner, who shall each, within twenty days, after due notice of his appointment, respectively qualify and enter upon the duties of his office, and hold the same until the first Monday of January next succeeding the first general election thereafter, and until his successor is elected and qualified, except that the county judge shall hold his office until the first Monday of January, A. D. 1886, and whose successor shall be elected at the general election on the first Tuesday in April, A. D. 1885. Officers to be appointed by governor.

SECTION 5. It shall be the duty of the board of supervisors of the county of Florence within twenty days after the passage and publication of this act, to meet and fix the amount of bonds required to be given by each of said officers, except in cases where the amount of such bonds is now fixed by law. Duty of board.

SECTION 6. The county of Florence shall until otherwise ordered by the board of supervisors of said county, consist of two towns to be known respectively as the town of Florence and the town of Commonwealth. Said town of Commonwealth shall consist of and include the following portion of said county of Florence, to-wit: Township thirty-eight (38) north of ranges fifteen, (15), sixteen (16.) seventeen (17), eighteen (18), nineteen (19), east; and township thirty nine (39) and the south half of section twenty-eight (28), Towns.

and all of sections thirty-one (31) to thirty-six (36) inclusive of township number forty (40) north of range eighteen (18) east. All the remaining portion of said county shall constitute and be known as the town of Florence. Within ten days after the passage and publication of this act the governor shall appoint all necessary town officers for said towns, who shall hold their respective offices until their successors are duly elected and qualified. The first town meeting in the town of Commonwealth shall be held at the school house in said town and in the town of Florence at the school house therein.

First meeting of board of supervisors.

SECTION 7. The board of supervisors of said county of Florence shall, at its first meeting, transact all business necessary to perfect the complete organization of the county, and to make suitable provisions for holding the circuit court at the time to be appointed therefor.

Exclusive owners.

SECTION 8. Said counties of Florence, Marinette and Oconto shall each be the sole and exclusive owners of all of the real property of said counties of Marinette and Oconto situated within the boundaries of each county respectively. Said counties of Marinette and Oconto are to retain all the taxes assessed for the year 1881, together with all the tax certificates in the respective treasuries of said counties of Marinette and Oconto. The said county of Florence shall be liable to said county of Marinette for its just share of the liabilities and indebtedness now existing against said county of Marinette when the same shall be paid and discharged by said county to be ascertained by dividing the total liabilities of said county of Marinette by the ratio which the amount of property within the boundaries said county of Florence bears to the amount of property within the boundaries of the county of Marinette, as hereinbefore constituted; and the said county of Florence shall pay one thousand dollars within two years from the passage of this act to the county of Oconto in full of its just share of the now existing liabilities and indebtedness of the said county of Oconto.

Collection of taxes.

SECTION 9. This act shall in no wise invalidate or affect the collection of taxes or the return of lands for the non-payment of taxes assessed thereon for the year 1881, in said counties of Marinette and Oconto.

After publication of this act.

SECTION 10. The board of supervisors of the county of Florence shall have power, and it is hereby made its duty, to procure, as soon as may be, after the

passage and publication of this act, from the registers of deeds, county clerks, county treasurers, county judges, clerks of the circuit courts of the counties of Oconto and Marinette respectively at the expense of said county of Florence, transcripts duly certified by the proper officers of all papers, proceedings, records and books, on file or of record in said office, in any manner affecting or relating to the title or right of possession of any of the land situated in said county of Florence. And such transcript or certified copies thereof shall be prima facia evidence in all courts of the facts therein contained. The lien of all judgments which are now of effect on lands in said county of Florence shall continue in force the same as though this act had not taken effect.

Levy a tax.

SECTION 11. It shall not be lawful to levy a tax of to exceed one thousand dollars per annum for the next five years in said county of Florence for the purpose of building county buildings, except a county jail.

Senatorial district.

SECTION 12. The said county of Florence shall constitute a part of the first senatorial district, and with the counties of Shawano, Oconto, Langlade and Marinette shall constitute an assembly district, and shall also be a part of the eighth congressional district, until the same shall be otherwise apportioned as provided by law.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 92, S] [Published March 28, 1882.]

CHAPTER 166.

AN ACT relating to deceptive advertisements by companies, associations and corporations transacting the business of fire insurance in this state, and amendatory of subdivision C of section 1946 of chapter 89 of the revised statutes of 1878, entitled "of insurance corporations."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Deceptive advertisement.

SECTION 1. Subdivision C of section 1946 of chapter 89 of the revised statutes of 1878, is hereby amended so as to read as follows: Section 1946, C. It shall be unlawful for any company, association or corporation transacting the business of fire insurance in this state, to publish or cause to be published or permit to be published by any of its agents or with the

knowledge or consent of any of its agents, any statement by newspaper advertisement, card, sign, or otherwise, which shall represent said company, association or corporation as writing risks different in nature or class from those actually written by said company, association or corporation, or shall represent said company, association or corporation as confining its business to a particular class of risks, when it is in reality writing risks of another class. The distribution of any cards or other documents by any agent of any such company, association or corporation, containing such deceptive representations as to the nature or class of risks written by such company, association or corporation, or the existence of any sign exposed to public view containing such deceptive representations as to the nature or class of risks written by such company, association or corporation belonging to any such company, association or corporation, or any agent thereof, or the existence of any advertisement or card or statement containing any such deceptive representations as to the nature or class of risks written by said company, association or corporation in any newspaper published in any town, village or city in which said company, association or corporation has an agent transacting business or soliciting insurance, shall be prima facie evidence of the violation of this section by said company, association or corporation. In addition to the penalty provided in subdivision E of section 1946 of the revised statutes of 1878, which is hereby made applicable to this section as amended, it is hereby made the duty of the commissioner of insurance to revoke the license of any company, association or corporation which shall be convicted of violating this section and the licenses of all its agents for the transaction of the business of fire insurance within this state, immediately upon the filing of a certified copy of the record of such conviction with said commissioner of insurance. Whenever there shall be filed with said commissioner of insurance, an affidavit containing a statement of facts constituting prima facie evidence of the violation of this section by any such company, association or corporation, said commissioner of insurance shall immediately notify such company, association or corporation, of the filing of such affidavit, and shall require such company, association or corporation to show cause before said commissioner of insurance, within thirty days from such notification, why its license should not be revoked; and if such company, association or corporation shall fail

Violation of said section.

within the time specifed to establish to the satisfaction of said commissioner of insurance that it has not violated this section in the manner alleged in such affidavit, said commissioner of insurance shall immediately revoke the license of said company, association or corporation, and the licenses of all its agents for the transaction of the business of fire insurance within this state. No license to transact the business of fire insurance within this state shall be granted by said commissioner of insurance to any company, association or corporation, or to any agent thereof, to transact such business of fire insurance for said company, association or corporation for the period of one year from the date when the license of said company, association or corporation has been revoked under the provisions of this section.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 46, S.] [Published March 24, 1882.]

CHAPTER 167.

AN ACT to regulate the practice of pharmacy, the licensing of persons to carry on such practice, and the sale of poisons in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That it shall hereafter be unlawful for any person, other than a registered pharmacist, to retail, compound or dispense drugs, medicines or poisons, or to institute or conduct any pharmacy, store or shop for retailing, compounding or dispensing drugs, medicines or poisons, unless such person shall be a registered pharmacist, or shall employ and place in charge of said pharmacy, store or shop a registered pharmacist, within the full meaning of this act, except as hereinafter provided. **Registered pharmacists.**

SECTION 2. In order to be registered within the full meaning of this act, all persons must be either graduates in pharmacy, or shall at the time this act takes effect be engaged in the business of a dispensing pharmacist on their own account, in the state of Wisconsin, in the preparation of physicians' prescriptions, and in the vending and compounding of drugs, medicines and poisons, or shall be licentiates in pharmacy. **Graduates.**

SECTION 3. Graduates in pharmacy shall be considered to consist of such persons as have had four **Of whom they shall consist.**

years' practical experience in drug stores where prescriptions of medical practitioners are compounded, and have obtained a diploma from such colleges or schools of pharmacy as shall be approved by the board of pharmacy, such as shall be judged by the said board of pharmacy as sufficient guarantee of their attainments and proficiency.

Licentiates.

SECTION 4. Licentiates in pharmacy shall be such persons as have had two year's practical experience in drug stores wherein the prescriptions of medical practitioners are compounded, and have sustained a satisfactory examination before the said board of pharmacy, hereinafter mentioned. The said board may grant certificates of registration to licentiates of such other state boards as it may deem proper, without further examination. It shall be the duty of the board to grant, in towns or villages of less than 500 inhabitants, a minor certificate to such persons as they may deem competent to sell or vend such medicines and compounds as are required by the general public, but such parties shall not be considered competent unless they have had two years' experience in the sale of medicines and compounding physicians' prescriptions; the said certificate shall entitle the holder thereof only to registration as assistant pharmacist in towns and villages of over 500 inhabitants.

Shall elect reputable and practicing pharmacists.

SECTION 5. Immediately upon the passage of this act the Wisconsin Pharmaceutical Association shall elect ten reputable and practicing pharmacists doing business in the state, from which number the governor of the state shall appoint five. The said five pharmacists, duly elected and appointed shall constitute the board of pharmacy of the state of Wisconsin, and shall hold office as respectively designated in their appointments, for the term of one, two, three, four and five years, respectively, as hereinafter provided, and until their successors have been duly appointed and qualified. The Wisconsin Pharmaceutical Society, shall annually thereafter elect three pharmacists, from which number the governor of the state shall appoint one to fill the vacancy annually occurring in said board. The term of office shall be five years. In case of resignation or removal from the state of any member of said board, or of a vacancy occuring from any cause, the governor shall fill the vacancy by appointing a pharmacist from the names last submitted, to serve as a member of the board for the remainder of the term.

President and secretary.

SECTION 6. The said board shall, within thirty days of its appointment, meet and organize by the

selection of a president and secretary from the number of its own members, who shall be elected for the term of one year, and shall perform the duties prescribed by the board. It shall be the duty of the board to examine all applications for registration submitted in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to cause the prosecution of all persons violating its provisions; to report annually to the governor and to the Wisconsin Pharmaceutical Society upon the condition of pharmacy in the state, which said report shall also furnish a record of the proceedings of the said board for the year, as well as the names of all pharmacists duly registered under this act. The board shall hold meetings for the examination of applicants for registration, and the transaction of such other business as shall pertain to its duties, at least once in three months. And the said board shall give thirty days' public notice of the time and place of such meeting. The said board shall also have power to make by-laws for the proper execution of its duties under this act, and shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act; which registration book shall also contain such facts as said persons shall claim to justify their registration. Three members of said board shall constitute a quorum.

Registration.

SECTION 7. Every person claiming the right of registration under this act who shall, within three months after the passage of this act, forward to the board of pharmacy satisfactory proof, supported by his affidavit, that he was engaged in the business of dispensing pharmacist on his own account in the state of Wisconsin at the time of the passage of this act, as provided in section 2, shall, upon the payment of the fee hereinafter mentioned, be granted a certificate of registration; provided, that in case of failure or neglect to register as herein specified, then such person shall, in order to be registered, comply with the requirements provided for registration as graduates in pharmacy or licentiates in pharmacy within the meaning of this act.

Assistant or clerk.

SECTION 8. Any person engaged in the position of assistant or clerk in a pharmacy at the time this act takes effect, not less than eighteen years of age, who shall have had at least two years' practical experience in drug stores where the prescriptions of medical practitioners are compounded, and who shall furnish satisfactory

evidence to that effect to the state board of pharmacy, shall, upon making application for registration and upon the payment to the secretary of said board of a fee of one dollar, within sixty days after this act takes effect, be entitled to a certificate as "registered assistant," which certificate shall entitle him to continue in such duties as clerk or assistant; but such certificate shall not entitle him to engage in business on his own account, except as provided in section 4, or to the certificate of registered pharmacist, unless he shall have had at least five years' experience in such stores where the prescriptions of medical practitioners are compounded at the time of the passage of this act. Thereafter he shall pay annually to the said secretary, a sum not exceeding fifty cents, during the time he shall continue in such duties, in return for which sum he shall receive a renewal of his certificate.

Fee to be paid.

SECTION 9. Every person claiming registration as a registered pharmacist under section 7 of this act shall, before a certificate is granted, pay to the secretary of the said board of pharmacy the sum of two dollars; and a like sum shall be paid to said secretary by graduates in pharmacy and by such licentiates of other boards who shall apply for registration under this act; and every applicant for registration by examination shall pay to the said secretary the sum of five dollars before such examination be attempted; provided, that in case the applicant fails to sustain a satisfactory examination by the said board, his money, the said five dollars, shall be refunded to him.

Registration fee.

SECTION 10. Every registered pharmacist who desires to continue the practice of his profession shall annually, during the time he shall continue in such practice, on such date as the board of pharmacy may determine, pay to the secretary of said board a registration fee, the amount of which shall be fixed by the board, and which in no case shall exceed two dollars, in return for which payment he shall receive a renewal of said registration. Every certificate of registration and every renewal of such certificate shall be conspicuously exposed in the pharmacy to which it applies.

Salary.

SECTION 11. The secretary of the board of pharmacy shall receive a salary which shall be determined by the said board; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The other members of said board shall receive the sum of five dollars for each day actually engaged in such service and all legitimate and neces-

sary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees and penalties received by said board under the provisions of this act, and no part of the salary or other expenses of said board shall be paid out of the public treasury. All moneys received by said board in excess of said allowances and other expenses hereinbefore provided for, shall be held by the secretary of said board as a special fund for meeting the expenses of said board, said secretary giving such bonds as the said board shall from time to time direct. The said board shall, in its annual report to the governor and to the Wisconsin Pharmaceutical Association, render an account of all moneys received and disbursed by them pursuant to this act.

Penalty for non compliance with the law.

SECTION 12. Any person not being or not having in his employ a registered pharmacist, within the full meaning of this act, except as provided in section 4, who shall, after the expiration of ninety days from the passage of this act, keep a pharmacy store or shop for retailing, compounding or dispensing medicines, or who shall take, use or exhibit the title of a registered pharmacist, shall for each and every such offense be liable to a penalty of fifty dollars. Any registered pharmacist or other person who shall permit the compounding and dispensing of prescriptions or the vending of drugs, medicines or poisons in his store or place of business except under the supervision of a registered pharmacist, or except by a registered assistant pharmacist, or any pharmacist or "registered assistant," who, while continuing in business, shall fail or neglect to procure his annual registration or any person who shall wilfully make any false representation to procure registration for himself or any other person, or who shall violate any other provision of this act, shall for each and every such offense be liable to a penalty of fifty dollars; provided, that nothing in this act shall in any manner interfere with the business of any physician in regular practice or prevent him from supplying to his patients such articles as may seem to him proper, nor with the making and vending of proprietary medicine or medicines placed in sealed packages with the name of the contents and of the pharmacist or physician by whom prepared or compounded, nor with the sale of the usual domestic remedies by retail dealers, nor with the exclusively wholesale business of any dealers except as hereinafter provided.

Proprietor held responsible.

SECTION 13. Every proprietor or conductor of a drug store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. And should such proprietor or conductor of a drug store knowingly, intentionally and fraudulently adulterate or cause adulterated such drugs, chemicals or medicinal preparations, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a penalty of not less than seventy-five dollars nor more than one hundred and fifty dollars, and his name stricken from the register.

Sale of poisons.

SECTION 14. No person shall sell at retail any poisons commonly recognized as such, and especially aconite, arsenic, belladonna, biniodide of mercury, carbolic acid, chloral hydrate, chloroform, conium, corrosive sublimate, creasote, croton oil, cyanide of potassium, digitalis, hydrocyanic acid, laudanum, morphine, nux vomica, oil of bitter almonds, opium, oxalic acid, strychnine, sugar of lead, sulphate of zinc, white precipitate, red precipitate, without affixing to the box, bottle, vessel or package containing the same, and to the wrapper or cover thereof, a label bearing the name "poison," distinctly shown, together with the name and place of business of the seller, nor shall he deliver any of the said poisons to any person without satisfying himself that such poison is to be used for legitimate purposes; provided, that nothing herein contained shall apply to the dispensing of physicians' prescriptions specifying any of the poisons aforesaid. Any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and shall be liable to a fine of not less than five dollars for each and every such omission.

Suits, how prosecuted.

SECTION 15. All suits for the recovery of the several penalties prescribed in this act shall be prosecuted in the name of "the people of the state of Wisconsin," in any court having jurisdiction; and it shall be the duty of the state's attorney of the county wherein such offense is committed, to prosecute all persons violating the provisions of this act upon proper complaint being made. All penalties collected under the provisions of this act shall inure one-half to the board of pharmacy and the remainder to the school fund of the county in which the suit was prosecuted and judgment obtained.

SECTION 16. All acts or portions of acts regulating the practice of pharmacy and the sale of poisons within this state, enacted prior to the passage of this act, are hereby repealed; provided, nothing in this act shall be so construed as to prevent any person who has once been a registered member, and may have forfeited his membership by non-payment of dues or fees, from renewing his membership by paying the required dues or fees without examination. Repealed.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 86, S.] [Published March 28, 1882.]

CHAPTER 168.

AN ACT to secure suitable highways and streets to fair ground and cemetery associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever any cemetery association, or industrial or agricultural association owning land in any city, village or town in this state shall file a petition with the clerk of such city, village or town, setting forth that such association owns land in such city, village or town, describing it, and used or intended to be used by such cemetery association for the burial of the dead or used or intended to be used by such industrial or agricultural association for fair grounds, and to which there is no laid out highway or street, and praying that such city, village or town shall lay out a street or highway from the nearest street or highway to such land, the common council of such city, trustees of such village, or supervisors of such town shall make out a notice, which shall be served on the owners or occupants of the land through which the proposed highway or street is to be laid, which notice shall contain a copy of the petition filed as aforesaid, and the time when said common council of said city, trustees of such village or supervisors of such town shall meet to take action upon said petition, which shall be within ten days after the service of such notice. If the common council of such city, the trustees of such village, or the board of supervisors of such town shall ascertain that such association owns land in such city, town or village which is used or which is hereafter to be used for the purposes mentioned in section 1 of this act, and that there is no street in said city, village or highway In regard to cemetery associations.

in said town leading to the same, they shall make an order within five days after the time they have met to take action on said petition for the purpose of establishing by the verdict of a jury the necessity of taking for public use the property of the owners or occupants of the land through which the proposed highway or street is to be laid.

Sum to be deposited.

SECTION 2. Such order shall require such petitioners to deposit with the treasurer of such city, village or town such sum as may be deemed necessary to pay the costs and expenses of such proceedings, and all action in regard to said petition shall be suspended until such order is complied with. Whenever such deposit shall be made, a further order shall be made fixing a time and place, not less than ten days, when and where a jury will be empanelled for the purpose of establishing the necessity of taking such property. Notice of such time and place shall be served upon the person or persons occupying such land, if any there be, not less than six days before the time so fixed, or if any portion of said land shall not be in the actual occupancy of any person, then such notice, which shall contain a description as near as may be, of the premises to be taken, shall be published in some newspaper of general circulation, to be designated in such order, for three weeks successively, at least once in each week; such notice shall state that at the time and place therein named a jury will be empanelled in the manner provided by this act, for the purpose of establishing the necessity of taking for public use the property described in the petition.

SECTION 3. At the time and place specified in such notice, the county judge of the county, the municipal judge of such city, the president of such village or the chairman of supervisors of such town shall issue his precept directed to the sheriff of the county or to any of his deputies, naming such deputy, or to any constable of such city, village or town, naming him, which precept shall direct such officer to write down the names of thirty-six freeholders of said county, who are qualified by law to serve as jurors in the circuit courts of the state, and to return the same to him. Such officer shall first be sworn to perform the duties required of him, according to the best of his abilities, without partiality to either party.

List to be delivered to officer.

SECTION 4. Such officer shall immediately write down such names and deliver the list of them to the officer who issued such precept. And from such list of

names each party, personally or by attorney, commencing with the petitioner, shall strike out alternately twelve names, and in case of the absence of either party or his refusal to strike out, the officer who issued such precept shall appoint some other person to strike out twelve names.

Shall issue venire.

SECTION 5. The officer who issued such precept shall then issue a venire requiring the officer to summon the twelve men whose names remain upon the said list of names, to appear at a time and place mentioned therein, to make a jury for the purpose of establishing the necessity of taking for public use the property described in the petition for such highway. If any of said persons shall fail to attend, other persons may be drawn in the same mode to fill the vacancies, and the proceedings may be adjourned from time to time for that purpose.

Shall take an oath.

SECTION 6. When such jury shall appear, they shall take an oath before the officer who issued such precept, that they will faithfully and impartially discharge the duties and trusts imposed upon them, which oath shall be filed with the clerk of the city, village or town.

Shall issue a precept to jurors.

SECTION 7. Whenever said jury shall be empanelled and sworn, the said municipal judge, president of the village, or chairman of the town board, shall issue his precept directed to the jurors so empanelled and sworn requiring them within ten days to view the premises to be specified in said precept, and to make return to him under their hands, whether in their judgment it is necessary to take said premises for public use, as specified in said petition. Said jurors shall proceed to view said premises, at some time to be fixed by them, of which they shall give due notice to both parties, and shall hear such testimony as may be offered by any party interested. After viewing the premises and hearing such testimony as may be offered, the jury shall agree upon their verdict which shall state whether in their judgment it is necessary to take the property described in the petition for public use, and shall return the verdict to the officer who issued such precept.

Shall call meeting of common council.

SECTION 8. When such verdict is returned to the officer who issued such precept, he shall as soon as may be, call a meeting of the common council of the city, trustees of the village or supervisors of the town as the case may be to whom he shall deliver such verdict, and the said common council, trustees or supervisors as the case may be, shall immediately make an

order, if in their judgment the public good requires it, laying out a street or highway from the nearest street or highway to such cemetery or fair ground, not less than three nor more than four rods in width, and in said order laying out said highway as aforesaid they shall appoint three disinterested freeholders of the county who shall assess adequate damages to the owners of the land through which said street or highway is laid.

Open streets.

SECTION 9. The street commissioners of such city or village, or the pathmaster of such town, after the order laying out such street or highway has been filed with the clerk of such city, village or town, shall forthwith open the street or highway mentioned and described in said order, provided such associations shall have paid into the treasury of such city, village or town the damages so awarded under this act.

If dissatisfied with damages awarded.

SECTION 10. If the party through whose land the said street or highway is laid, or the common council of such city, trustees of such village, or supervisors of such town, shall be dissatisfied with the damages awarded under this act, either of them may appeal to the circuit court of the county in which such street or highway is situated, by making out a notice of appeal and a bond to the opposite party, with at least two sureties, conditioned to pay all costs and damages which may be incurred, in case of their being unsuccessful on such appeal, and filing both such notice and bond with the clerk of such city, village or town, and paying to him two dollars for his fees in making his return of all the proceedings therein, to the clerk of the circuit court of that county, provided the pendancy of such appeal shall not impair the right of the public to use and occupy such highway or street for the purposes of travel, but the public right to use and occupy the same for such purposes shall exist to the same extent as though such appeal had not been taken until such appeal is decided.

Action pending in court.

SECTION 11. The clerk of such city, village or town within ten days after the notice of appeal and bond has been filed in his office and the sum of two dollars has been paid him as mentioned in this act, shall transmit all papers pertaining to said appeal to the clerk of the circuit court of said county. Upon the papers being filed in the office of the clerk of the circuit court the appeal shall be considered an action pending in court, subject to a change of the place of trial and appeal to the supreme court as other actions,

and shall be entered by the clerk upon the records of the court by setting down the owner or owners of the land for which such award was made and who are parties to the appeal as plaintiff and the city, town or village as defendant. Such appeal shall be tried by jury, unless a trial by jury is waived by both parties, and costs shall be allowed to the successful party on such appeal; and if in favor of the plaintiff, be added to the amount of the verdict; if in favor of the defendant, be deducted therefrom, and judgment shall be rendered thereon according to the rights of the parties.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 78, S.] [Published March 23, 1882.]

CHAPTER 169.

AN ACT to consolidate and amend an act to incorporate the city of Green Bay, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY OF GREEN BAY — ITS CORPORATE POWERS.

Corporate powers.

SECTION 1. All that district of country in the county of Brown hereinafter described shall be a city by the name of Green Bay, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Green Bay, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession; and shall be capable of contracting and being contracted with; suing and being sued; pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

CITY BOUNDARIES.

Boundaries.

SECTION 2. All the territory within Brown county hereinafter described and bounded shall be included in and constitute the limits of the city of Green Bay, to-wit: commencing at a point where a line drawn through the center of the alleys running through blocks numbered from thirty-three to forty two, both inclusive, in Eastman's addition to the city of Green Bay, will

strike the eastern bank of Fox river, and running thence along said line so drawn through the center of said alleys to the west line of section thirty-two, town twenty-four, range twenty-one east; thence due south along the section line to the northern boundary of private claim number three, east side of Fox river; thence north sixty-four degrees, west ninety-seven feet, to the east side of the public highway, laid out according to the recorded plat of the subdivision of private claims number three, four, five, six and seven; thence south twenty-six degrees, west along the easterly line of said highway one thousand six hundred and ninety-four feet, to the south line of the continuation of Cass street, in said city; thence north sixty-four degrees west along the southerly line of the continuation of said street one thousand two hundred and fifty feet, to the center of the channel of East river; thence up and along the middle of said river to a point therein midway between the north and south line of private claim number nine; thence sixty-four degrees west along the center line of said claim to the east side of Webster avenue; thence south eighteen degrees, west twenty-six chains and sixty links to the south line of private claim number eleven; thence south twenty-six degrees west twelve chains to the south line of private claim number twelve; thence north sixty four degrees west eighty feet; thence north twenty-six degrees east twelve chains; thence north eighteen degrees east, twenty-six chains and sixty links, to the middle of private claim number nine; thence north sixty-four degrees west, along the middle of said claim, to the center line of the channel of Fox river: thence down and along the center line of said channel, to a point where the northern boundary of said city, as herein described, would, extended westerly, intersect the same, thence to the place of beginning.

WARD BOUNDARIES.

Ward boundaries.

SECTION 3. All that part of said city lying south of a line commencing in the center of the channel of the Fox river; and running thence south sixty-four degrees east, through the center of the tier of blocks commencing with block number four, upon the recorded plat of Astor, of record in the register's office of the county of Brown, to the eastern boundary line of said city, shall be and constitute the first ward; all that part of said city bounded south by the first ward, as above described, west by the center line of the channel of the Fox river, north by a line commencing in the center of the channel of said river, and running thence

south sixty-four degrees east, along the northern boundary line of lots number nine, thirty, forty-seven, sixty-eight, and eighty-three as the same are laid down on the plat of Navarino, of record in the register's office of said county of Brown, to the west line of Jefferson street, thence in a northeasterly direction to the northwest corner of lots numbered five hundred and thirty-two on said last mentioned plat, then south sixty-four degrees east, to the western boundary lines of Eleventh street in said city, thence in a northeasterly direction to a point on the eastern boundary line of said Eleventy street, in the center of St. Clair street at its junction with said Eleventh street, thence easterly along the center of said St. Clair street to the eastern terminus thereof, and thence south sixty-four degrees east to the eastern boundary of said city, and east by the boundary line of said city, shall be and constitute the second ward; and all the remaining parts of said city not included in the first and second wards, as above described, shall be and constitute the third ward.

SECTION 4. All the territory that by virtue of chapter 179 of the laws of 1876 was added to and thereby made a part of the city of Green Bay shall be exempt from taxation for debts, liabilities or obligations of said city contracted, made or incurred prior to the first day of January, 1876; and this said exemption shall also include and be enjoyed by the inhabitants of such territory while residing thereon.

CHAPTER II.

ELECTIVE OFFICERS.

SECTION 1. The elective officers of said city shall be a mayor, three aldermen from each ward, a city treasurer, city clerk, city attorney, assessor and three justices for the city at large; one of said justices shall be elected as and called police justice. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council, except the police force, which shall be appointed by the mayor and confirmed by the council. Officers.

SECTION 2. All elective officers except justices of the peace shall unless otherwise provided hold their respective offices for one year, and until their successors are elected and have qualified. Said justices of the peace shall hold their respective offices for two years, and until their successors are elected and have qualified.

SECTION 3. All elective officers shall each be freeholders of the city of Green Bay, and no person shall

either by election or by appointment hold any city office, unless such person is an actual resident of said city and a legal voter thereof. No person who may have held the office of city treasurer shall be eligible to such office for the next succeeding term thereafter.

ANNUAL ELECTIONS.

Elections.

SECTION 4. The annual election for ward and city officers shall be held on the first Tuesday in April of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until sundown, and ten days' previous notice shall be given by the common council in the official paper of said city of the time and place of holding such elections, and of the city and ward officers to be elected.

QUALIFIED ELECTORS.

Electors.

SECTION 5. All persons who are qualified electors of the state of Wisconsin shall be deemed qualified electors of said city, and may vote in the ward in which they reside.

ELECTION BY BALLOT—TIE VOTE.

Tie vote.

SECTION 6. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. The votes for all elective officers shall be on one ballot, and shall be deposited in one ballot box. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by casting of lots in the presence of the common council at such time and in such manner as they shall direct.

MANNER OF CONDUCTING ELECTIONS.

Conducting elections.

SECTION 7. The elections shall be held and conducted in the same manner and under the same penalties, and all guards against illegal voting observed, and inspectors and clerks appointed, and vacancies in the board of inspectors filled as required by the laws of this state regarding elections.

CANVASS AND RETURN OF VOTES.

Canvass of votes.

SECTION 8. When an election shall be closed, and the number of votes for candidates or persons voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver, or cause to be delivered, such return to the city clerk within three days after any election. The

common council shall, on the fourth day after such election, meet and canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

EXPULSIONS AND REMOVALS.

SECTION 9. The common council shall have power, for due cause, to expel any of their number. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being. All officers appointed by the mayor or common council may be removed at the pleasure of the council by a two-thirds vote of the aldermen elect. Expulsion and removals.

VACANCIES.

SECTION 10. Any officer removing from the city or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. Vacancies.

VACANCIES, HOW FILLED.

SECTION. 11. Whenever a vacancy shall occur in the office of mayor, city clerk, city attorney, alderman or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council, within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filed by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same right, and subject to the same liabilities as the person whose office he may be elected or appointed to fill. Vacancies, how filled.

SPECIAL ELECTIONS.

SECTION 12. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance. Special elections.

ELECTION OF SUPERVISORS.

Election of supervisors.

SECTION 13. A supervisor to represent each ward of said city in the county board of supervisors of Brown county, shall be annually elected at the time and place of the election of aldermen for said city. Each supervisor so elected shall hold his office for one year, and shall be, when so elected, a resident of the ward for which he is elected.

TERMS OF OFFICE.

Terms of office.

SECTION 14. All the city and ward officers now in office, shall hold their respective offices until their successors shall be elected or appointed under this act; and the term of every officer elected under this act shall commence on the second Tuesday of April of the year for which he was elected, and shall, unless herein otherwise provided, continue for one year, and until his successor is elected and qualified.

SECTION 15. All the duties herein required of the common council and aldermen in regard to elections shall be performed, so far as may be necessary, by the present common council and aldermen, in regard to the first election and the organization of the city government under this act.

SECTION 16. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the common council may order a new election to be held, ten days' notice of the time and place of holding the election first being given.

CHAPTER III.

OFFICERS — THEIR POWERS AND DUTIES — OATH AND BOND.

Powers and duties of officers.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer taking the same, with the clerk of the city. The treasurer, clerk, chief of police, and such other officers as the common council may direct, shall each, before entering upon the duties of his office, execute to the city of Green Bay a bond with two or more sureties, the aggregate amount of whose property within the state above all their respective debts, liabilities and exemptions as shown by their several and respective affidavits attached to or endorsed on such bond, shall be at least double the

sum named as penalty in such bond. Said bonds shall contain such penal sum and such conditions as the common council may deem proper, and shall be subject to the approval of said council. The council may from time to time require new additional bonds, and remove from office any officer neglecting or refusing to give the same. All official bonds executed to the city of Green Bay, except that of the city clerk, shall be filed with and safely preserved by the city clerk in his office, unless the common council shall otherwise direct. The bonds of all officers who may be charged with the collection or safe keeping, or with the disposition or disbursement of any of the funds of said city, or may have any control over such funds at any time, and such other bonds as the common council may direct, shall be duly witnessed and acknowledged, and recorded in the office of the register of deeds for the county of Brown. The bond of the city clerk shall be filed with the city treasurer.

MAYOR—HIS DUTIES.

Duties of mayor.

SECTION 2. The mayor shall preside over the meetings of the common council; but shall have a vote only in case of a tie. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city. He shall appoint a chief of police and other policemen, which appointments shall be approved by the common council before they shall enter upon the duties of their office; and the compensation of said chief of police and policemen, as well as of such temporary policemen and watchmen as may be appointed, shall be fixed by the common council; and when, in his judgment, occasion requires, he may appoint as many special or temporary policemen as he may deem necessary, but their appointment shall not continue beyond the next meeting of the common council thereafter unless approved by said council. The mayor shall, at the first regular meeting of the common council in each year, make out and announce such standing committees of the year, and on such subjects as may be by ordinance or resolution of the common council required.

PRESIDENT—HIS DUTIES.

Duties of president.

SECTION 3. The common council shall, after their first meeting for organization each year, after the annual election, choose by ballot from their number a president, who, in the absence of the mayor, shall preside over the meetings of the common council, and, in case of the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor for the time being, except the signing of city bonds. In case of the absence of both mayor and the president at any meetings of the council, the council may choose from their number a president pro tem., who, for the time being shall discharge all the duties of mayor. The president or president pro tem., while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and their acts, except the signing of city bonds, shall have the same force and validity as if done by the mayor.

CITY CLERK—HIS DUTIES, ETC.

Duties of clerk.

SECTION 4. The clerk shall keep the corporate seal, and all the papers and records of the city, and keep a full record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of any and all books, papers, instruments or documents duly filed and kept in his office, and of the indorsements thereon, and transcripts from the records of the proceedings of the common council, duly certified by him under the corporate seal of the city, shall be evidence in all courts, in like manner as the originals. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof and of the fund on which the same is drawn, in books provided for that purpose. He shall also keep, in such manner as the council may direct, an accurate account with the treasurer, and charge him with all tax lists delivered to him for collection, and all sums of money paid into the treasury. The clerk shall have power and authority to administer oaths and affirmations. Whenever the clerk shall be absent from any cause, the council may appoint a clerk pro tem., who, for the time being shall be vested with the powers and duties of the clerk. The clerk shall receive an annual salary to be fixed by the council.

CITY ATTORNEY AND DUTIES.

SECTION 5. The city attorney shall conduct all the law business of the corporation. He shall when required furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the council or any of its committees. He shall keep a docket of all cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city, and shall at all times be open to the inspection of the mayor or any committee of the common council. It shall also be the duty of the city attorney to draft all general ordinances, all bonds, contracts, leases, conveyances and other instruments of writing that may be required by the business of the city, and to perform such other duties as may be prescribed by the charter and ordinances. He shall receive an annual salary to be fixed by the council. Duties of city attorney.

STREET SUPERINTENDENT — HIS DUTIES, ETC.

SECTION 6. The common council shall also at their first meeting for organization each year after the annual election, choose by ballot a street superintendent. The street superintendent shall see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, bridges, alleys, public grounds, reservoirs, gutters, sewers and waters of the rivers in said city are duly observed and kept, and to control the persons employed therein. He shall have the general supervision over all work let by contract for the making, grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds, reservoirs and gutters, unless the common council shall otherwise direct. He shall receive such compensation as the council may determine. Duties of street superintendent.

CITY SURVEYOR — HIS DUTIES.

SECTION 7. The common council may also at their first meeting for organization after the annual election, or as soon thereafter as convenient, elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested. Duties of city surveyor.

JUSTICES OF THE PEACE — JURISDICTION, ETC.

Jurisdiction of justices of peace.

SECTION 8. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council. The police justice shall in addition to such jurisdiction as is conferred by law upon justices of the peace also have exclusive jurisdiction in all cases arising under this act, and the ordinances, resolutions and by-laws passed by said city council; and no such case shall be removed from the police justice on the grounds of prejudice. His fees shall be governed by the general laws concerning fees of justices of the peace, but he shall not be furnished by said city, nor shall he receive any perquisities or compensation from said city, except so far as the city may become liable to him for fees as a party to a suit before him.

ASSESSOR — HIS DUTIES.

Duties of assessor.

SECTION 9. The assessor shall asses all the taxable property of the city of Green Bay, as required by law, without regard to wards, and shall complete and return his assessment roll in the manner hereinafter provided, and receive such compensation as the council may determine.

TREASURER — HIS DUTIES.

Duties of treasurer.

SECTION 10. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and of each fund separately, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct. At the first regular meeting of the common council in each month, he shall make a report embracing a statement in detail of the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury, and also the total receipts and disbursements during the same time, and the condition of each of said funds at the date of the report. Such reports, when made, shall be published with the proceedings of the common council. He shall disburse none of the

money belonging to any of the funds of the city except by an order thereon, duly issued by direction of the common council, which order shall be signed by the mayor and countersigned by the clerk; provided, that the school fund may be drawn out as provided by other provisions of this act. He shall collect all general and special taxes and assessments which may be levied or assessed upon the real and personal property in the city, and exercise the same powers and be governed by the same laws, and be subject to the same liabilities as treasurers of towns, except when a special direction and duty is imposed by this act. The common council shall, at its last meeting in March, fix the salary of the treasurer to be elected at the next ensuing election, and the salary so fixed shall not be increased or diminished during the term. All sums received by the treasurer as fees shall be paid by him into the general fund of the city, and when required by the common council he shall make report under oath, of all fees or other moneys received by him as treasurer.

TREASURER—ANNUAL REPORT.

SECTION 11. On the first day of April in each year the treasurer shall file in the office of the city clerk a statement showing in detail the monthly receipts and disbursements of the preceding year, an account of each separate fund and the condition of such funds at the date of the report. **Annual report of treasurer.**

CHIEF OF POLICE—HIS DUTIES.

SECTION 12. The chief of police shall attend all meetings of the common council, and shall perform such duties as shall be prescribed by the council for the preservation of the public peace and collection of license moneys and fines, and shall receive such compensation as the council may determine. He shall possess all the powers of constables of towns and be subject to the same liabilities. He shall execute and return all writs and processes to him directed, and when necessary in criminal cases or for the violation of any ordinance of said city, or law of the state, may pursue and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace, and abate all nuisances therein. He shall apprehend all persons in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time bring such persons before competent authority for examination; and for such ser- **Duties of chief of police.**

vices he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies to be approved by the common council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

OTHER DUTIES MAY BE REQUIRED OF OFFICERS.

Other duties may be required of officers.

SECTION 13. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed, when the same shall not be fixed by law. Such compensation shall be fixed by resolution or ordinance at the time the office is created, or as soon as practicable after the commencement of the municipal year, and shall not be increased or diminished during the term of such officer. The common council shall also have power to dismiss any officer appointed by said council under the provisions of this section, at any time when, in the judgment of said council, the services of such officer are no longer needed.

Public newspaper.

SECTION 14. The council, at the first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers, printed in said city, in which shall be published all ordinances, notices and other proceedings and matters required by this act, or the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Affidavit of publication.

SECTION 15. The city printer or printers immediately after the publication of any notice, ordinance or resolution, or by-law, which, by this act is required to be published, shall file with the clerk of the city a copy of such publication with his or their affidavit, or the affidavit of his or their foreman of the length of time the same has been published; and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or by-law or resolution, and the clerk shall file and keep the same in his office.

Penalty for not delivering to successor.

SECTION 16. If any person, having been an officer in the city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city or

pertaining to the office he may have held he shall forfeit and pay to the use of the city not less than one hundred dollars nor more than five hundred dollars besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers, property and effects in the manner prescribed by the laws of this state.

Officers of the peace.

SECTION 17. The mayor, acting mayor, sheriff of Brown county, and each and every alderman, justice of the peace, chief of police, under sheriff and deputy sheriff of Brown county, constable, policeman and watchman shall be officers of the peace and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and, for such purposes, may command the assistance of all bystanders, and, if need be, of all citizens; and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case where the civil power may be required to suppress riotous or disorderly behavior, the superior officer present in the order mentioned in this section, shall direct the proceedings.

CHAPTER IV.

THE COMMON COUNCIL—ITS SPECIAL POWERS.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Green Bay do ordain," etc.

MEETINGS.

Meetings.

SECTION 2. The common council shall hold their first annual meeting each year on the second Tuesday of April, and thereafter stated meetings at such time and places as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at his usual place of abode, which notice shall specify the object of the meeting and the business to be transacted, and no other business shall come before such meeting. The common council shall determine the rules for their own government and proceedings, provided such rules are consistant with the provisions of this act. A majority of the aldermen elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn; their

sessions shall be open and public; their proceedings shall be recorded in full, and all their papers and records, and all election returns, shall be deposited with the clerk of the common council and the same may be examined at any time, in the presence of the clerk. The vote of the common council shall, in all cases, be taken by ayes and noes, and every vote shall be entered at length upon the journal. The common council shall be judge of the election and qualification of its own members, and may punish its members or other persons present, by fine, for disorderly behavior, may compel the attendance of its members upon its sessions, and may employ the chief of police and police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board.

POWERS OF COUNCIL.

Power of council.

SECTION 3. The common council shall have the management and control of the finances, except school moneys, and of all other property of the city; and shall likewise, in addition to all other powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, and for carrying into effect the powers vested in said common council, and to declare and impose penalties, and to enforce the same against any person or persons who may violate any of the provisions of said ordinances, rules, by laws and regulations; and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinance, resolution or by-law:

GROCERIES, TAVERNS, SALOONS, ETC.

Regulation of groceries, taverns, saloons, etc.

(1.) To regulate groceries, taverns, victualling houses, saloons, gardens, and all other places within said city where spirituous, vinous or fermented liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualling houses or other houses or places for dealing in, selling or giving away spirituous, vinous or fermented liquors, and to regulate the amount to be paid

for such licenses, and to restrain or prohibit any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by authority of the common council; provided, that the amount charged for such licenses shall in no case be less than fifty dollars nor more than three hundred dollars per annum. Such licenses shall not be granted for a longer term than one year, and shall run from the first day of May; provided, however, when any such license is applied for after that date, the same be granted to expire on the first day of May next following, on the applicant paying pro rata therefor.

BILLIARD TABLES, ETC.

(2.) To license, tax, regulate, suppress or prohibit billiard tables, nine or ten pin alleys, bowling saloons and ball alleys. Billiard tables.

LICENSE SHOWMEN.

(3.) To license, tax, regulate, suppress and prohibit all exhibitions of common showmen, shows of any and every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements. Showmen.

PROHIBIT GAMING.

(4.) To restrain, prohibit and suppress all descriptions of gambling, and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting. Gaming.

PREVENT RIOTS, ETC.

(5.) To prevent any riot, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. Riots, etc.

CLEANSE NAUSEOUS PLACES.

(6.) To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. Nauseous places.

LOCATE SLAUGHTER HOUSES, ETC.

(7.) To direct the location and management of, and regulate breweries, tanneries and packing houses; Slaughter houses.

and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit, within the city limits and the distance of two miles therefrom, distilleries, slaughter houses, establishments for steaming or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on.

PREVENT ENCUMBERING OF STREETS.

Encumbering of streets.

(8.) To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engine or engines, carriages, carts, wagons, sleighs, boxes, lumber, fire wood, or any other materials or substances whatever.

PREVENT HORSE RACING.

Horse racing.

(9.) To prevent horse racing, and immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving as aforesaid; to prohibit and punish the abuse of animals, and to compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public ground.

GUNPOWDER.

Gunpowder.

(10.) To license, regulate and restrain the keeping, conveying, vending and storage of gunpowder and other combustible and dangerous material.

BATHING.

Bathing.

(11) To regulate and determine the times and places of bathing and swimming in the rivers, harbor and other waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

RESTRAIN CATTLE.

Restrain cattle.

(12.) To restrain, regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto.

DOGS.

Dogs.

(13.) To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

PUTRID CARCASSES.

(14.) To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides, skins or substance of any kind, and on his default, to authorize the removal thereof by some competent officer at the expense of such person or persons. Unwholesome substances.

POUNDS.

(15.) To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, and to prevent unnecessary waste of water. Public pounds.

LAMPS.

(16.) To erect lamps, and regulate the lighting thereof; and to provide for lighting streets, public grounds and public buildings with gas or otherwise. Street lamps.

LICENSE HACKMEN, ETC.

(17.) To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to prescribe their compensation. Hackmen, etc.

REGULATE RUNNERS.

(18.) To restrain and regulate runners and solicitors for boats, vessels, cars, railroads, stages, public houses, or other establishments. Regulate runners.

BOARD OF HEALTH.

(19.) To establish and regulate boards of health, and define their powers and duties. Board of health.

PROVIDE HOSPITALS, ETC.

(20.) To provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and exempt burial grounds set apart for public use from taxation. Cemetery grounds, etc.

ESTABLISH PEST HOUSES.

21.) To erect or establish one or more pest houses, hospitals and dispensaries, and control and regulate the same. Pest houses.

CONTAGIOUS DISEASES.

(22.) To regulate, control and prevent the landing of persons from boats, vessels, cars, and stages, wherein Contagious diseases.

are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city, and also to make regulations to prevent the introduction of contagious diseases into the city, or their spread therein, and to make quarantine laws or regulations, and enforce the same within the city, and not exceeding two miles beyond the city limits.

ABATE NUISANCES.

Abatement of nuisances.

(23.) To abate and remove all nuisances under the ordinances, the laws of the state, or at common law, and punish the authors thereof by penalties, fine and imprisonment; and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of its jurisdiction to abate and remove nuisances in the streets, or any other part of the city, or within its jurisdiction, by indictment, information or otherwise.

PUBLIC MARKETS.

Public markets.

(24.) To establish public markets, and to make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

WEIGHT OF BREAD.

Bread.

(25.) To regulate the size, weight, quality and sale of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

RIDING ON SIDEWALKS.

Riding on sidewalks.

(26.) To prevent all persons from riding, or driving any ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing any damage to said sidewalks.

FIRE ARMS, ETC.

Shooting off firearms.

(27.) To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

RESTRAIN DRUNKENNESS.

Drunkenness.

(28.) To restrain and punish vagrants, mendicants street beggars and prostitutes, and to restrain drunkenness or obscenity in the streets or public places, and

to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

BUTCHERS, ETC.

(29.) To regulate butchers, and to regulate and restrain the sale of game, poultry, fresh meat, vegetables, fish, butter, eggs, and other provisions in the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions. Butchers.

HAY, WOOD, ETC.

(30.) To regulate the place and manner of the weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same, and to appoint a fish inspector, and regulate by ordinance his duties and fees, and to regulate the measuring and inspection of lumber, shingles, timber, posts, staves and headings, and all building material, and to appoint an inspector. Hay, wood, etc.

REMOVE SNOW, ETC.

(31.) To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Removal of snow.

PIERS AND WHARVES.

(32.) To regulate the construction of piers and wharves extending into Fox and East rivers within the limits of the city. Piers and wharves.

WHARF AND DOCK LINES.

(33.) To establish wharf and dock lines upon the banks of Fox and East rivers within said city; and restrain and prevent encroachment upon said rivers, and obstructions thereto; and to construct, alter and maintain, or cause to be constructed, altered and maintained, at the expense of the city or either ward, wharves at the foot of the streets along the banks of said rivers. Dock lines.

POLICE.

(34.) To appoint watchmen and policemen, and to establish and regulate the police of the city, and prescribe their duties. Police.

AUCTIONS.

Auctions.

(35.) To regulate the times, places and manner of holding public auctions and vendues.

PEDDLERS, ETC.

Peddlers.

(36.) To tax, license and regulate auctioneers, distillers, brewers and pawn-brokers, and to tax, license, regulate and restrain hawkers and peddlers, keepers or proprietors of gift book stores, gift concerts and other gift enterprises.

TREES AND MONUMENTS.

Trees and monuments.

(37.) To protect monuments in the city, and to direct and regulate the planting and preservation of ornamental trees in the streets and public grounds.

WEIGHTS AND MEASURES.

Weights and measures.

(38.) To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

GUTTERS AND SEWERS.

Gutters, etc.

(39.) To provide for and regulate the construction of gutters or sewers within said city.

GRADE STREETS, ETC.

Grade of streets.

(40.) To control, regulate, repair, amend and clear the streets and alleys, bridges and side and cross walks, and lay out, open, widen, straighten, alter and vacate streets and alleys, and establish and alter the grade thereof, and alter or change the name thereof, and prevent the encumbering of the streets and alleys in any manner, and protect the same from any encroachment or injury; or to regulate the manner of using the streets and pavements in said city, and protect the same from injury by vehicles used thereon.

POLICE JUSTICE.

Police justice.

(41.) The police justice elected under this act shall have exclusive jurisdiction as justice of the peace for two years, or until his successor is appointed or elected, in all actions for the recovery of any penalty or fine under all laws of said city, and all ordinances, by-laws, or police regulations thereof. Should any vacancy occur, or the police justice be unable for any cause to perform the duties of that office, the common council shall appoint one of the other justices to hold such office until the disability is removed or the vacancy filled by a new election.

POLICE COURT.

(42.) The police justice shall hold a police court in said city at some convenient place. Police court.

STREETS, ALLEYS, ETC.

(43.) To control and regulate the streets, alleys and public grounds in said city, and to remove and abate any obstructions and encroachments therein. Streets, alleys, etc.

LUMBER.

(44.) To regulate or prohibit the keeping of any lumber yard, and the placing, piling or selling of lumber, timber, wood or other combustible materials within the limits of said city. Lumber.

STEAM ENGINES.

(45.) To provide for the inspection and regulation of stationary steam engines and boilers. Steam engines.

RIVERS AND HARBORS.

(46.) To preserve the rivers and harbors; to prevent any use of the same or any act in relation thereto inconsistent with or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein of any earth, dead animals, ashes or other substance, or logs or floating matter; to prevent and remove all obstructions therein and punish the authors thereof. Rivers and harbors.

VAGRANTS.

(47.) To authorize the arrest, fine and imprisonment as vagrants, of all persons, who, not having visible means to maintain themselves and without employment, idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses; or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the street or other thoroughfare or public place to beg or receive alms; also keepers, exhibitors or visitors at any gambling table, gambling house, or other place of device; and all persons who go about for the purpose of gaming, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any concert, theater or other public entertainment, or place where public or private schools are held, either week day or Sunday, or places where religious worship is held. Vagrancy.

CONCEALED WEAPONS.

Concealed weapons.

(48.) To regulate or prohibit the carrying or wearing by any person, under his clothes or concealed about his person, of any pistol, sling shot, or knuckles, bowie knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapon; and to provide for the confiscation or sale of such weapon.

ORDINANCES, BY-LAWS, ETC.

Ordinances, by-laws, etc.

(49.) To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city by this act, or which may be vested in any officer of said city by any ordinance thereof.

ORDINANCES TO BE PUBLISHED — APPROPRIATIONS — DEBT.

Publication of ordinances.

SECTION 4. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published in the official paper or papers of said city once before the same shall be in force, and they shall be recorded by the city clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times and in all courts and places shall be deemed and taken as sufficient evidence of the time and manner of such publication; such record of such law, ordinance, regulation or by-law, and the proof of such record, certified by the clerk, under the seal of the city, or any printed books containing the same, purporting to have been published under the sanction of the mayor and council, shall be prima facie evidence of the due passage and publication of such law, ordinance, regulation or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city, or a charge upon any fund thereof, shall be adopted without a vote in its favor of a majority of all the aldermen entitled to seats in the common council.

WHEN ORDINANCES TAKE EFFECT.

SECTION 5. No ordinance or resolution, requiring the signature of the mayor, shall take effect until seven days after the passage of the same, unless sooner approved in writing by the mayor, or acting mayor for the time being. When ordinances take effect.

VETO.

SECTION 6. The mayor shall have power to veto any ordinance, act or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the clerk a copy of his objections, and the clerk shall thereupon call a special meeting of the council in the manner provided by section 2 of this chapter, to consider such veto and objections; and in case the council shall not, within one week after the receipt of such objection or such filing with the clerk, re-enact such ordinance, or pass such resolution by the vote of two-thirds of the aldermen elect, the same shall be null and void. If the mayor shall not return any ordinance, act or resolution so presented to him within seven days after the passage thereof, it shall take effect in the same manner as if he signed it. Veto.

WHEN VOTES NOT TO BE RECONSIDERED

SECTION 7. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken. Reconsideration of votes.

ORDINANCES REFERRED TO COMMITTEES.

SECTION 8. All ordinances, petitions and communications to the common council, and all accounts and resolutions appropriating money, or creating any charge against any of the funds of said city, shall be referred to appropriate committees, and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred. Action upon any report of a committee made to the common council shall be deferred to the next regular meeting of the same, by request of one-third of the aldermen present. Ordinances referred to committees.

COMMON NUISANCES.

Common nuisances.

SECTION 9. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses or houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold, without license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

AUDIT ACCOUNTS — MAY REQUIRE AN EXHIBITION OF BOOKS AND VOUCHERS.

Auditing accounts.

SECTION 10. The council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, superintendent of streets, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, funds and money accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

CHAPTER V.

OPENING STREETS, ETC. BY PETITION.

Opening streets, etc.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders residing in any one ward shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such

petitioners reside, for the public use, for the purpose of laying out public squares, grounds, streets, or alleys, or the enlarging or widening of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition. The common council may then, by resolution, resolve to grant the prayer of said petitioners; and it shall forthwith cause an accurate survey and plat of all lands necessary for said purposes to be made and filed with the city clerk, and it may purchase or take by donation such grounds as shall be needed, by agreement with the owner, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution declare its purpose to take the same and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place, when and where it will apply to the county judge of Brown county for a jury to condemn and appraise the same.

Manner of serving notice.

SECTION 2. It shall thereupon cause to be made by the city clerk a notice of the adoption of said resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street superintendent or any policeman of said city, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be evidence of the facts stated therein. If the notice cannot be so given as to all of the parcels then the same shall be also published once in each week, for three consecutive weeks, in a newspaper published in said city; and the affidavit of the printer or foreman of such newspaper shall be evidence of such publication. Such notice shall be served and such publication made for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice be a minor or of unsound mind, the county judge shall before proceeding on the day fixed for hearing such ap-

plication, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the county judge, and act for such ward.

Manner of making list of jurors.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice, as provided in the last section, shall be filed with the county judge, who shall thereupon make a list of twenty-four competent jurors, residents of said city, but not residents of said ward nor interested in said application. He shall hear and decide any challenges for cause or favor made to any one, and if sustained shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of said county judge, each party, the common council by the city attorney of said city on one side, and the owners of land or their agents present, or if none be present, or if they disagree, a disinterested person appointed by the county judge on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining, the county judge shall issue a precept, requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a juror to view lands and appraise damages, in the said proceedings, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the street superintendent or any policeman of said city, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in presence of a member of his family.

When jurors shall appear.

SECTION 4. The jurors summoned shall appear at the time and place named; and if any be excused by the county judge, or fail to attend, he shall direct other qualified disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The county judge shall then administer to them an oath, that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury shall view the lands.

SECTION 5. Under the direction of said county judge the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party; and for

such purpose such county judge shall possess the same powers as a court in session, with a jury, and if there be necessity may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by it, in which it shall find whether it be necessary to take such lands, or any part thereof for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damages to each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof; in estimating which it shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the consent of the jury, and shall be thereupon discharged, and its verdict filed by the county judge. In case the jury shall fail to find a verdict, another jury shall be then and there selected, and shall be summoned and sworn, and shall proceed in the same manner.

Land owner may appeal.

SECTION 6. Within ten days after such verdict, any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict, to the circuit court, by filing with such county judge a motion of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part what part, and therewith an undertaking with two sufficient sureties to be approved by the county judge, to pay all costs that may be awarded against such appellant on appeal, and paying said county judge for his return thereof. The city may likewise appeal from the award of damages to any owner by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole award to such owner or a part, and if a part, what part, and paying said county judge for his return on said appeal. Any party not so appealing shall be forever concluded by such verdict. Upon an appeal being taken, the county judge shall transmit to the clerk of the circuit court within ten days the notice of appeal and undertaking, and thereto annex a copy of all the papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers including the verdict,

with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the city clerk shall record all such proceedings.

Appeal to be considered an action.

SECTION 7. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury unless waived; and costs shall be awarded against the appellant, if a more favorable verdict be not obtained than the one appealed from; otherwise, against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Common council may enact an ordinance.

SECTION 8. If the verdict of the jury shall determine that it is necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out or widening any such street, public square, grounds or alleys, but shall not enter upon any such land therefor until the owner be paid in full the damages awarded him by such verdict or appraisement, or such damages be set apart for him in the hands of the city treasurer, there permanently to remain subject to his order. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when it recovers costs in the circuit court or supreme court. All jurors and witnesses in proceeding under this chapter shall receive the same fees as jurors and witnesses in the circuit court.

Expenses may be levied.

SECTION 9. For the payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the common council of said city may, by resolution, levy and assess the whole or any part, not less than one-half, of such expenses as a tax upon such property as it shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such

resolution, signed by the mayor and city clerk shall be published once in each week for two weeks in a newspaper published in said city, and a notice therewith that at a certain time therein stated the said common council will meet at its usual places of meetings and hear all objections which may be made to said assessment or to any part thereof. At the time so fixed the said common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and at the conclusion of such hearing may modify said assessment in whole or in part, and shall adopt a resolution which shall be published in the same manner as ordinances of said city, levying said assessment as the same shall have been finally determined by said common council. The sums so assessed shall be a lien upon said lands upon which they are assessed from the date of the passage of said resolution, and the said several amounts shall be entered against said lot or lots in the tax roll, in addition to and as a part of all other city taxes therein levied on such land, to be collected therewith.

VACATE STREETS.

SECTION 10. The common council shall have power and are hereby authorized to vacate, in whole or in part, such highways, streets, alleys, and public walks within the corporate limits of the city, as in their opinion the public interest may require to be vacated, or such as in their opinion are of no public utility; provided, however, the necessity of vacating any such highways, streets, alleys or public walk, or any part thereof, shall first be established by a verdict or report of a jury in like manner as is provided for laying out public squares, grounds and streets in this chapter. Vacate streets.

CHAPTER VI.

CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. Opening, grading, working, graveling, planking, replanking, paving and repaving of streets and alleys, to the center thereof, and the construction, reconstruction, and rebuilding of sidewalks shall be chargeable to and payable by the lots fronting on such street, alley or sidewalk; but no street or alley shall be opened, graded, graveled, planked or paved, or sidewalks constructed, unless upon the petition of a majority of the resident owners of the lots or parts of lots chargeable with the expense thereof, or by a two-thirds vote of the aldermen elect. The cost and expense of establishing grades, City improvements.

surveying streets, alleys or gutters, and of cleaning out gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters may be ordered by the common council and built at the expense of the lots or parts of lots benefited thereby, and fronting upon or abutting to the street along which said gutter shall be constructed; provided, that in all cases where improvements or work of any kind are charged by virtue of this section, upon lots as aforesaid, all such improvements across streets, alleys and public grounds shall be made and paid out of the general fund of the city.

PLANS, ETC., WHERE FILED.

Plans, etc., when filed.

SECTION 2. Whenever the common council shall determine to make any of the improvements mentioned in the preceding section, it shall cause plans and specifications of such improvements to be filed with the city clerk for the inspection of all parties interested. Upon the filing of such plans and specifications, the clerk shall immediately give one week's notice by publication in the official paper to the several owners and occupants of the lots or parts of lots chargeable with the expense of such improvements to do the work according to the plans and specifications on file, within a time specified in such notice, which shall in no case be less than fifteen days after said one week's notice. If the improvement shall not be completed within the time specified, the clerk shall immediately advertise for proposals for doing the same; such advertisement shall be published in the official city paper not less than one week. It shall state the nature of the improvement, the time within which it must be completed, that plans and specifications thereof may be seen at the clerk's office, and shall also state when and up to what time bids will be received. All bids shall be opened in a general or special meeting of the common council. The council may authorize the clerk or any appropriate committee of its body to enter into contract for the making and completion of the improvement. All contracts shall be let to the lowest reasonable responsible bidder. Upon the completion of the work done under contract as provided in this section, and the acceptance thereof in writing by the street superintendent and committee on streets and bridges, the contractor shall be entitled to a certificate therefor, which shall be signed by the mayor and street superintendent, and countersigned by the city clerk, and which shall state the amount due for

work done by such contractor, the nature thereof, and a description of the lot or parcel of land upon which the same is chargeable; said certificate may be transferred by endorsement thereon; and if the amount thereof is not paid before the time of making out the annual assessment roll, the certificate may be filed with the city clerk, and amount thereof shall be assessed upon the said lots or land respectively, as a special tax, and shall be collected for the benefit of the holder of the said certificate, as other taxes on real estate are collected under this act. If notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate such assessment.

SIDEWALKS — HOW REBUILT, ETC.

SECTION 3. Whenever a sidewalk, graveled, planked or paved street, shall become so out of repair as to require rebuilding, regraveling, replanking or repaving the common council may, by a two-thirds vote of the aldermen-elect, so order, and the expense thereof shall be chargeable to lots, and parts of lots, fronting upon that part of the street or alley where such rebuilding of sidewalk, or regraveling, replanking or repaving of a street has been ordered; and the same proceedings for the doing and completion of the work and the payment therefor shall be had as provided in section 2 of this chapter. Sidewalks.

EXPENSE OF REPAIRS OF STREETS.

SECTION 4. The expense of keeping streets and pavements, or other surface thereof, in repair, shall be paid out of the general fund. Expenses and repairs of streets.

OF SIDEWALKS.

SECTION 5. The expense of keeping sidewalks, gutters, drains, and ditches in repair, shall be chargeable to the lots or parts of lots abutting; and the duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair, is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises. Sidewalks.

ABATEMENT OF NUISANCES.

SECTION 6. The common council shall cause notice to be given to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant water remaining thereon, or other cause; if residents, personally, if non-residents, in the official paper Abatement of nuisances.

of the city for two weeks, to abate such nuisance by draining or filling such lots within a reasonable time therein to be specified, which shall in no case be less than ten days; and if such nuisance shall not be abated or removed within the time specified, the council shall cause the same to be abated or removed at the expense of the property upon which the same may exist; and to that end the same proceedings shall be had as provided in section 2 of this chapter, except as herein otherwise provided.

DUTY OF STREET SUPERINTENDENT — REPAIR OF SIDEWALKS.

Duty of street superintendent.

SECTION 7. It shall be the duty of the street superintendent to make frequent inspections of the streets, sidewalks, pavements, bridges and other public ways in all parts of the city, and whenever he shall find any defect or want of repair therein, he shall note the same in a book to be kept for that purpose. And whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in his opinion, will not cost to exceed five dollars to repair, he shall be authorized, and it is hereby made his duty, to immediately repair the same; but if it shall, in the opinion of said street superintendent, cost to exceed five dollars to make said repair, and the said defect or want of repair shall, at the same time, in his opinion, be dangerous to public travel, he shall give written notice to the owner of the lot chargeable with such repair, if said owner shall be known to him and be a resident of said city, to repair said walk immediately, and if said owner shall not be known or shall not reside in said city, or if he shall not, within twenty-four hours after service of said notice, proceed to repair said walk, the street superintendent shall immediately repair said defect. If, in the opinion of said street superintendent, said defect or want of repair in any sidewalk shall not be immediately dangerous to public travel, he shall report said defect to the common council, who may, by resolution or ordinance, require said sidewalk to be repaired; but personal notice shall be given to the lot owner chargeable with said repair, if practicable, and if not practicable, then notice by publication for such time as said common council shall prescribe, to make said repairs. Whenever the street superintendent shall have made any repairs as provided by this section, he shall make out an itemized bill of the cost thereof, specifying the lot or piece

or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot or piece or parcel of land, if a resident of the city of Green Bay and to be found, for payment; and if said owner shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the common council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, and the said tax shall be put upon the tax roll and collected in the same manner as other taxes upon real estate are collected. In case the owner of such lot, piece or parcel of land does not reside in the city of Green Bay or cannot be found, the said clerk shall return said account to the common council with his certificate stating the fact, and the same shall then be collected in the same manner as upon refusal of the owner to pay upon presentation of the account as aforesaid.

WHO TO SUPERVISE WORK.

Who to supervise work.

SECTION 8 All work provided in this chapter shall be done under the supervision of the street superintendent, unless the common council shall otherwise direct. The street superintendent is authorized and empowered, and it shall be a part of his duties to contract with the lowest bidder for all material which the city may use in carrying out the provisions of this chapter.

WHEN CITY NOT RESPONSIBLE.

When not responsible.

SECTION 9. Where work is ordered to be done at the expense of any lot or parcel of land for which payment is to be made in certificates as provided in section 2 of this chapter, no contractor or other person holding said certificate or certificates, shall receive any pay therefor from the city under any circumstances, until the tax levied for that purpose shall have been paid to the city or county.

HOW STREETS KEPT CLEAN.

Cleaning streets.

SECTION 10. Streets, sidewalks and alleys shall be kept clean at the expense of the lots or parts adjacent thereto, and the common council may, by ordinance, adopt general rules and regulations relative thereto, requiring the owners or occupants of lots to keep such streets, sidewalks and alleys clean, and enforce the same by proper and reasonable penalties.

ALDERMEN MAY ORDER WORK DONE.

Aldermen may order work done.

SECTION 11. If, after having advertised for proposals to do the work as provided by said section 2, no bids are received or filed as required by said section, the common council, by a two-thirds vote of all the aldermen elect, may order the work to be done and paid for out of the general fund. The amount so paid shall be assessed against the respective lots or parcels of land, as provided by said section 2, in case of unpaid certificates.

SEWERS.

Sewers.

SECTION 12. The common council may by an affirmative vote of two-thirds of the aldermen elect, order the construction or reconstruction of a sewer or sewers in said city, the expense of which shall be chargeable to the lots or parts of lots abutting upon said sewer, and in case a sewer shall be laid along the center of the street, the property on each side of said street shall bear its portion, or one-half of said expense. Such work or improvement shall be ordered, and contracts therefor let, and the cost thereof paid, and notices given, the same and in the same manner as is provided in this chapter for the paving and repaving, building and rebuilding of streets and sidewalks, and shall be under the supervision of the street superintendent; but the expense of repairs on sewers shall be paid out of the general fund.

POLL TAX — HOW COLLECTED AND EXPENDED.

Poll taxes.

SECTION 13. Every male inhabitant in the city Green Bay over twenty-one years of age, and under fifty, except active members of the fire department, and those holding a diploma for ten years' service therein, shall pay into the city treasury annually the sum of one dollar each as a poll tax. The assessor shall, at the time of assessing the annual taxes in each year, make out duplicate lists of persons liable to pay such tax, and deliver one of said lists to the city clerk, and one to the city treasurer at the time he returns to the board of review of said city his assessment roll of real and personal property of the city of Green Bay. The said assessor, in making such lists, shall designate the ward in which each person on said list resides; and the city treasurer shall collect the same at the time of collecting the annual taxes, and all such taxes shall be paid to the city treasurer on or before the first day of February next after the delivery of said lists to him; and all persons liable to pay said tax who shall not

have paid the same within five days after demand, either personally or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Green Bay. The process in such case shall be by warrant, and in case judgment should be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail, not to exceed ten days. The treasurer shall credit each ward of the city with the amount collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction of the aldermen of each ward, and at their request, under the supervision of the street superintendent, on the repair and improvement of streets of their several wards, and to be drawn out upon itemized account certified to by the said aldermen, and audited by the common council. The board of review of said city shall determine the liability of persons to to pay such tax; and all persons claiming to be exempt from such tax must apply to said board during its regular sessions; provided, that if any person shall desire to he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the street superintendent that such person has performed one full day's labor, shall be received by the city treasurer in full discharge of such tax; but a person desiring to work his poll tax shall notify the street superintendent to that effect, at some time between the first day of May and the first day of October of the year in which he shall be listed, and shall perform the work at such time and place, in his ward, as the street superintendent shall designate.

CHAPTER VII.

PUBLIC SCHOOLS.

SCHOOL COMMISSIONERS — TERM OF OFFICE, ETC.

SECTION 1. All members of the school board now in office shall hold their respective offices for the full term for which they were elected, and until their successors are elected and qualified. Whenever a vacancy shall occur in said board, or when the term of any member thereof shall expire, the common council shall elect a school commissioner or commissioners from the city at large to fill such vacancy for the unexpired

Public schools.

term, or to take the place of the commissioner whose term is about to expire, as the case may be. The school commissioners shall hold their office for two years, and until their successors are elected and qualified.

BOARD OF EDUCATION.

Board of education.

SECTION 2. The school commissioners elected under the provisions of this chapter shall form the "board of education of the city of Green Bay," and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the mayor and council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners, by resignation or otherwise.

CITY SUPERINTENDENT OF SCHOOLS.

City superintendent.

SECTION 3. The school commissioners shall at their first regular meeting in each year, or within fifteen days thereafter, elect some suitable person having the necessary qualifications, as city superintendent of schools, whose term of office shall commence on the first Monday of August of the year in which he is elected, and who shall hold his office for one year and until his successor shall be elected and qualified, unless sooner removed by a two thirds vote of all the members elect of the board of education, for misconduct or other sufficient cause.

PRESIDENT OF BOARD—HIS DUTIES.

Duties of president of board.

SECTION 4. The board of education shall, at its first regular meeting in each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order, subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teacher's and janitors' wages, and all other incidental and necessary expenses of said board of education. He shall declare all votes taken on questions coming before the board; provided, that on all questions requiring appropriation of money or the adoption of new text books, the vote shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request it; provided further, that in the absence of the president the board shall elect a president pro tempore.

MEETINGS OF BOARD OF EDUCATION.

Meetings of board of education.

SECTION 5. The board of education shall have at least one regular meeting in each month, at such time

and place as may be designated by them, and they may have special meetings at such other times as they may deem necessary, or when called together by the president; but no special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of said meeting.

SALARY OF CITY SUPERINTENDENT.

SECTION 6. The city superintendent of schools shall receive an annual salary of not less than two hundred and fifty dollars, to be paid monthly, the amount of which shall be determined from year to year by the board of education, which salary shall be payable out of the school fund. Salary of city superintendent.

DUTIES OF BOARD OF EDUCATION.

SECTION 7. The duties of the board of education shall be as follows: Duties of board of education.

ELECT CITY SUPERINTENDENT.

1st. To elect at their regular meeting in July a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected within fifteen days thereafter. Elect city superintendent.

SALARIES, ETC.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid to each, and to hire and make contracts with the teachers; and before any teacher shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by the board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the clerk, and the other delivered to such teacher. Salaries, etc.

TERMS, TEXT-BOOKS, ETC.

3d. To arrange and determine terms and vacations in all public schools; to establish uniformity in the school system, and to require and to secure uniformity of text-books, and to adopt or reject text-books at will. Terms, text books, etc.

ESTABLISH RULES.

4th. To establish rules and regulations for the schools not in conflict with the constitution or laws of this state; but the mayor and council may, in their Rules.

discretion, do away with, annul or abrogate any such rule or regulation by a two-thirds vote of the whole number of aldermen of the city.

TO MAKE CONTRACTS.

Contracts.

5th. To make contracts for all fuel, stationery and articles of furniture required for the schools; to make all necessary repairs on school houses, not exceeding one hundred dollars in value for any one school house; to make contracts for incidentals required for carrying on the school houses, such as lighting fires, sweeping school rooms, etc., and such contracts, when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education and countersigned by the clerk of said board.

AUDIT CLAIMS.

Audit claims.

6th. To audit all claims and demands payable out of the school fund. The said board shall annually, on or before the first day of November in each year, submit a statement to the mayor and common council, showing the amount of teachers' wages that have accrued and become due during the year, and the amounts of all other indebtedness accruing on contract or otherwise, that has been made by order of the board; and for that purpose they shall cause entries to be made in a book or books, to be provided by the city, of all contracts made with the teachers, and the amount of salary to be paid, and all other expenditures made or authorized by said board at the time the same shall be made or authorized, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board; and they shall, at the same time, submit for the consideration of the common council a statement of the estimates required for carrying on the schools for the ensuing year, specifying the amount required for teacher' wages, and other items separately and specifically. Nothing in this section contained shall prevent the mayor and common council from taking into consideration the amount to be received from the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year.

HOW REPAIRS TO BE MADE.

How repairs to be made.

SECTION 8. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school house, they shall

cause a statement to be be made, showing the repairs required and an estimate of the cost thereof, to be laid before the mayor and council, and whenever in their opinion another school house or school houses shall be required, they shall cause estimates of the cost of a site for such house or houses and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a majority vote of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased or building or buildings be erected; and it shall be the duty of said board, in the name of said city, to enter into contract for making such repairs, or for the erection of such buildings, or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

HOW ORDERS TO BE DRAWN.

SECTION 9. It shall be the duty of the president and secretary of the board of education to draw orders on the treasury, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act. **Drawing orders.**

WHEN CONTRACT OF BOARD VOID.

SECTION 10. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made in which any member of said board shall have such interest, shall be absolutely void. **When contracts of board void.**

DUTIES OF SUPERINTENDENT.

SECTION 11. The duties of the city superintendent shall be as follows: **Duties of superintendent.**

TO EXAMINE TEACHERS.

1st. To examine all the applicants for teachers' licenses in the branches taught in the public schools of said city, and, if approved, give them certificates authorizing them to teach in the city. **Examination of teachers.**

TO ANNUL CERTIFICATES.

Annual certificates.

2d. To annul a teacher's certificate for cause; provided, that such teacher shall have the right of appeal to the board of education.

TO VISIT SCHOOLS.

Visit schools.

3d. To visit each school department of said city at least once in each week.

REPORT TEXT BOOKS.

Report of text-books.

4th. To report for the consideration of the board of education such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein from time to time as he may think most beneficial for the schools in said city.

REPORT CONDITION OF SCHOOLS.

Condition of schools.

5th. To report to the board of education at each regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall in his judgment conduce to their welfare, and to perform such other duties as may be required of him by the board.

ATTEND MEETINGS OF BOARD.

Attend meetings of board.

6th. He shall attend at the meetings of the board of education and act as secretary thereof, and there make any suggestions he may think advisable relative to the government of the schools of said city.

CHAPTER VIII.

FIRE DEPARTMENT—FIRE LIMITS.

Fire limits.

SECTION 1. The common council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other material that shall not be considered fire-proof shall be not erected, placed or repaired and to direct that all and every building within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damages.

MAY REGULATE BUILDING OF CHIMNEYS, ETC.

Building of chimneys.

SECTION 2. The common council shall have power to prevent the dangerous construction and condition of

chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishments of fires as the common council may deem expedient.

MAY PURCHASE ENGINES AND AUTHORIZE FIRE COMPANIES.

Engines and fire companies.

SECTION 3. The common council shall have full power to purchase fire engines, hose, and all other necessary fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered. Each company shall not exceed fifteen able-bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances or regulations of said city, and shall be formed only by voluntary enlistments. Every active member of said company hereby authorized to be formed, shall be exempt from highway work, poll tax, and from serving on juries, during the continuance of such membership; and any person having served for the term of ten years in either such companies, shall be forever thereafter exempt from poll tax and military and jury duty.

ENGINEERS AND FIRE WARDENS.

Engineers, etc.

SECTION 4. The common council, at its first regular meeting in January in each year, shall elect one chief engineer and one assistant engineer of the fire department, and two fire wardens for each ward, who shall perform such duties as the common council shall prescribe, and who may at any time enter into or open

any house, store-house or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire. At the time of the election of said engineers their compensation shall be fixed by the common council.

FINES, ETC.

Fines, etc.

SECTION 5. The net proceeds of all fines and penalties recovered and collected for breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

ARREST FOR DISOBEDIENCE OF ORDERS.

Disobedience of orders.

SECTION 6 When any person shall refuse to obey the lawful order of the chief engineer, or the assistant chief engineer, fire warden or alderman of the city, the mayor or chief of police, at any time when said company or companies or any of them are on duty as a company, either at the time of a fire, fire alarm, parade or inspection, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, constable or watchman, or any citizen, to arrest such person and to confine him temporarily in any safe place until such companies return with their apparatus to their respective engine houses; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to arrest or aid in such arresting, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

MAY ORGANIZE SACK COMPANY—THEIR POWERS.

Sack company.

SECTION 7. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as they may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers. The members of said company. either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Green Bay, and are hereby vested with all the power and authority which now is or may hereafter be vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire de-

partment, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as it may be in their power, preserve the same from injury or destruction. Such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

SECRETARY AND TREASURER — THEIR DUTIES.

Duties of secretary and treasurer.

SECTION 8. There shall be a meeting of the members of the different fire companies on the third Monday of April in each year, at such place as may be designated by the chief engineer, when the active members of said companies shall nominate and recommend to the common council, for appointment, one treasurer, and one secretary or clerk. The common council shall thereupon confirm or reject said nominations, and the persons so appointed shall perform such duties as the common council shall prescribe. In case the common council should reject such nominees, the said members shall, at a meeting held one week after such rejection, nominate other persons to hold such offices, which nominations shall also be subject to the approval of said council. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required and with sureties to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

CLERK OF COMPANY — HIS DUTIES.

Duties of clerk of company.

SECTION 9. There shall be elected by members of such company aforesaid, annually, at their annual meetings, a clerk or secretary, who shall, on or before the first Monday of May in each year, return to the city clerk a list containing the name of each member of their respective companies; and when a member of either of said companies shall cease to be a member

thereof, by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

CITY CLERK TO KEEP RECORD OF MEMBERS OF COMPANIES.

City clerk to keep record.

SECTION 10. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above described; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any member shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors for the county of Brown, a list of all persons who are members of either or all of said companies, exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meeting for the said board, and said board shall not place the names of any such persons on the jury list for the ensuing year.

CHAPTER IX.

AUDITING ACCOUNTS, ETC.

Auditing accounts.

SECTION 1. The common council shall have power to audit, adjust and allow all claims and demands of every nature against the city, except such claims or demands as are payable out of the school fund.

WHEN ACTION MAINTAINED.

Maintaining action.

SECTION 2. No action shall hereafter be maintained by any person against the city of Green Bay, upon any claim or demand mentioned in the preceding section, other than a city bond or order, unless such person shall first have presented such claim or demand to the common council of said city. The determination of the common council disallowing in the whole or in part any such claim or demand, shall be final and conclusive, and a perpetual bar to any action in any court, founded on such claim or demand, unless an appeal shall be taken from the decision and determination of such common council, as hereinafter provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any such claim or demand duly presented to them, this chapter shall

not be so construed as to prevent the institution and maintenance of an action of said claimant against said city.

CLAIMANT MAY APPEAL TO CIRCUIT COURT.

SECTION 3. When the claim or demand of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Brown, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, a county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court. Claimant may appeal to circuit court.

NOTICE OF APPEAL.

SECTION 4. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the city attorney, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with their decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Brown, and such appeal shall be entered, tried and determined in the same manner as actions originally brought in said court, and costs shall therein be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the costs, which shall be deducted from the amount of the recovery, and when the amount of costs exceeds the sum recovered, judgment shall be rendered against the appellant for the amount of such excess. Notice of appeal.

ACCOUNTS TO BE VERIFIED.

SECTION 5. No claim or demand whatever shall be allowed by the common council, unless the same is verified by the owner thereof, or some person in his behalf. Accounts to be verified.

CHAPTER X.

FINANCE AND TAXATION — WHO CONTROL FUNDS.

Who controls funds.

SECTION 1. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of principal or interest of any outstanding bonds of said city, which shall be collected in money or in orders drawn upon such funds respectively. Provided, that the amount or proceeds of all orders which shall be received in payment of taxes, shall be credited to the several and respective funds on account of which such orders were issued. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement. No tax certificates shall be received in payment of taxes.

TAXATION FOR GENERAL PURPOSES.

Taxation for general purposes.

SECTION 2. The common council shall levy annually, to defray the current expenses of said city, a sum not exceeding fifteen mills upon the dollar of the total assessed valuation of all taxable property in said city, and for all other purposes, except for schools and bridges; and the payment of principal and interest of outstanding bonds, debts and obligations of said city a sum not exceeding five mills upon a dollar of the said valuation.

NO EVIDENCE OF DEBT TO BE ISSUED.

No evidence of debt to be issued.

SECTION 3. The common council shall not have power to issue any bonds or other evidence of debt payable at a day subsequent to the date of the issue thereof except in cases especially authorized by law, nor shall the common council issue in any one year, orders upon the city treasurer to an amount greater than the amount of taxes which may be levied under the provisions of this act; provided, that whenever it shall be necessary to rebuild or repair bridges, a special tax may be levied for such purpose, not exceeding five thousand dollars in any one year. Said taxes, when so

levied, shall be collected at the same time as other city taxes are collected.

MAY LEVY TAX FOR SPECIAL PURPOSES.

SECTION 4. Special taxes may also be levied by the city council at any regular meeting for the purpose of paying the interest or principal of any outstanding bonds now due or hereafter to become due, issued by the borough or the city of Green Bay, or which may hereafter be issued by said city by authority of law; provided, however, no greater tax shall in any one year be levied than shall be necessary to pay the amount which will be due on such bonds at the time such tax shall be collectible by virtue of this act, or shall become due before the time appointed by law for assessing and levying the annual taxes. Said taxes when so levied shall be collectible at the same time as other city taxes are collected. Levy for special purposes.

APPROPRIATIONS FOR PUBLIC PURPOSES.

SECTION 5. The common council of said city by a two-thirds vote of all the aldermen elect and not otherwise shall have power to appropriate a sum not exceeding five hundred dollars to any public purposes they may deem proper. Appropriation.

MAY SELECT DEPOSITORY FOR CITY FUNDS.

SECTION 6. When the common council shall think best they may select some bank, banks, or banking associations within the city with which all funds in the treasury of the city, or which shall be thereafter collected or received by the treasurer, shall be deposited; provided, however, that such bank, banks, or banking association so selected shall, before receiving such funds, give security to an amount fixed by said council, and in the same manner as is now required of the treasurer of said city, conditioned upon the safe keeping and proper distribution of such funds, which security shall be approved by the common council. Depository for city funds.

TREASURER TO DEPOSIT FUNDS.

SECTION 7. The city treasurer shall daily deposit with the bank, banks or banking association so selected, all moneys collected or received by him during the day, it or they giving proper vouchers therefor. From the times of so depositing such funds the said treasurer shall be relieved from all liability to the city arising from the failure of the bank, banks or banking associations safely to keep said funds. Such funds Treasurer to deposit funds.

shall be drawn out only by the check of said treasurer countersigned by the city clerk.

MAY RECEIVE INTEREST ON CITY FUNDS DEPOSITED.

Interest on funds.

SECTION 8. The common council may, before or after so selecting a depository or depositories, contract with such bank, banks or banking association, that it or they shall pay to the city such interest upon said funds so to be deposited as they may mutually agree upon. The council may at any time direct all sums so deposited to be paid into the city treasury, or to such other bank or banks as they may select under the law.

PROPERTY SUBJECT TO TAXATION.

Property subject to taxation.

SECTION 9. All property in said city, real, personal and mixed, except such as may be exempt by the laws of the state, shall be subject to taxation for all purposes authorized by law; and the same shall be assessed annually by the assessor elected under this act. In making such assessments and his return thereon, and in making re-assessments or assessing property omitted previous years, the said assessor shall have the same powers and be subject to the same duties as town assessors, and shall in all things be governed by the general laws of this state in relation to the assessment of taxes, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may from time to time deem advisable.

NO PROPERTY EXEMPT FROM SPECIAL TAXES.

No property exempt.

SECTION 10. Real estate exempt from taxation by the laws of this state shall be subject to special taxes for sidewalk, sewer and street improvements on the same

TAXES TO BE A LIEN UPON PROPERTY.

Taxes a lien on property.

SECTION 11. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the tenements upon which they may be assessed from the time of the final completion of the assessment roll, and on all personal property of any person or body politic assessed for personal taxes from the date of the warrant for collection thereof, until such tax shall be paid, and no transfer of such real or personal property shall affect such lien.

COMPLETION AND RETURN OF ASSESSMENT ROLL.

SECTION 12. The assessor shall complete and return his assessment roll to the board of review of said city, on or before the first Monday in August each year. During the last week of the month of July, in each year, the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessment, and shall make alterations and such amendments thereto as justice and equity may require. Completion of assessment roll.

LANDS OMITTED TO BE RE-ASSESSED

SECTION 13. In all cases of the re-entry of real estate omitted from assessment for previous years, and in all cases where property shall be re-assessed or re-assessable as provided by the general laws of this state, the common council shall, in addition to the taxes of the current year, levy and collect such taxes as such omitted lands ought properly to have paid, in case they had not been omitted or such re-assessment had not been necessary. Lands omitted to be reassessed.

BOARD OF REVIEW.

SECTION 14. The mayor, clerk and assessor shall constitute a board of review, and shall meet at the chambers of the common council on the first Monday of August in each year, and shall proceed in all respects as town boards are by law required to proceed. Board of review.

ASSESSMENT ROLL TO BE FILED WITH CLERK.

SECTION 15. After the corrections and revisions of the assessment by the board of review the same shall be filed with the city clerk, who shall record all changes made therein by said board; the common council shall thereupon, by resolution, levy such sum or sums of money not exceeding the authorized percentage as may be sufficient for the several purposes for which taxes are herein authorized to be levied, particularly specifying the purposes for which the same are levied. Assessment roll to be filed with clerk.

CLERK TO COMPLETE TAX ROLL.

SECTION 16. The city clerk, on receiving the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, shall calculate and carry out the total amount of such taxes, together with all the city and other local taxes, setting down opposite to the several sums set Clerk to complete tax roll.

down, as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent.

DUPLICATE COPY FOR TREASURER.

Duplicate copy for treasurer.

SECTION 17. Upon completion of said roll, the clerk shall make a duplicate copy thereof, and deliver the same to the city treasurer on or before the second Monday in December each year. To the roll so delivered shall be annexed a warrant, under the hand of the clerk and the corporate seal of the city, which warrant shall be substantially in the form prescribed by the general laws of this state, to be delivered to town treasurers.

ASSESSMENT ROLL AS EVIDENCE.

Assessment roll as evidence.

SECTION 18. The said assessment roll and warrant thereto attached shall be prima facie evidence in all courts that the lands and persons therein named were subject to taxation and that the assessment was just and equal.

MAY ALTER COMPLETED ROLL.

May alter completed roll.

SECTION 19. After the assessment roll is completed and placed in the hands of the city treasurer for collection, it shall not be lawful for the common council to remit, annul or cancel any tax charged against any real or personal property except in the following specified cases.

1st. When a clerical error has been made in descriptions or transfer of the property from the original assessment lists or books to the tax roll or in the extension of the tax.

2d. When improvements by the erection of buildings have been assessed on lots or lands when none had been made at the time fixed by law for making the assessments.

3d. When the tax is manifestly illegal and void by reason of the exemptions of the property from taxation by law.

TREASURER TO COLLECT— HIS FEES.

Treasurer's fees.

SECTION 20. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions, as town treasurers, except as otherwise provided in this act. The city treasurer shall charge and collect no fees whatever on any tax paid on or be-

fore the tenth day of January in each year, and upon all taxes paid after that day, he shall charge and collect two per cent. fees to be added to the amount of taxes, and collected with the same; and all fees so collected by him shall be paid into the general fund of the city.

WHEN SHALL MAKE DELINQUENT LIST.

When delinquent list shall be made.

SECTION 21. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Brown county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall add to said taxes remaining unpaid five per cent. upon all delinquent lands or lots so returned by the city treasurer to the treasurer of Brown county, and shall make return of said taxes with said five per cent. added, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall extend to and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

WHO TO SELL DELINQUENT LANDS.

Who to sell lands.

SECTION 22. The county treasurer shall sell all delinquent lands and lots returned from the city of Green Bay, at the same time and in the same manner as other delinquent lands are sold in said county.

OF ERRORS.

Error.

SECTION 23. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate, or vitiate, or anywise affect the validity of the assessment or tax.

OF TAX CERTIFICATES.

Tax certificates.

SECTION 24. All tax certificates belonging to the city of Green Bay shall continue and remain the property of the city, and may be sold and transferred by the city treasurer in the same manner as heretofore, and nothing contained in this act shall be construed so as to limit the right now existing in such treasurer to make such sale or transfer, nor shall any repeal, amendment or alteration of the said city charter by this act in any manner change the mode or limit the

right now existing in the city treasurer to receive redemption money, issue redemption certificates, cancel tax certificates, and issue tax deeds in case of all tax sales of real estate made by the said treasurer prior to the first day of August, 1880, but in respect thereto he shall have, exercise and perform all the right, power and duty as fully and in the same manner as though this act had not been passed.

SECTION 25. All the general laws of this state which now or hereafter may be in force, relative to the assessment and collection of taxes, shall be in force in said city, except as otherwise herein specially provided. The city treasurer shall proceed to enforce the collection of all taxes and assessments in the manner provided by law for the collection of taxes by town treasurers, except as herein otherwise provided.

CHAPTER XI.

ACTION TO RECOVER PENALTIES, ETC., TO BE IN NAME OF CITY.

Action to recover penalties.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

PROCESS.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act or any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant as in cases of tort before justices of the peace, under general statutes of the state for the time being.

SUMMONS — FORM.

Forms.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form:

County of Brown, City of Green Bay — ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the chief of police of the city of Green Bay:

You are hereby commanded to summon A. B., if he

shall be found within your county, to appear before the undersigned ———, in and for said city, at his office in said city, on the ——— day of ———, 18—, at ——— o'clock in the ——— noon, to answer to the city of Green Bay, to the damage to said city, two hundred dollars or under.

Given under my hand at the said city this —— day of ———, 18—. C. D. —— ——.

SERVICE AND RETURN OF SUMMONS.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of the state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

COMPLAINT—FORM.

SECTION 5. When the actions commenced by summons, the complaint may be substantially in the following form: Forms

The City of Green Bay against A. B. In —— Court, before C. D., —— ——.

The plaintiff complains against the defendant, for that the defendant, on the —— day of —— 18—, at the said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title), which said —— is now in force. By reason of such violation an action hath accrued to the city of Green Bay to recover of the defendant the sum of —— dollars. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

COMPLAINT UPON OATH FOR WARRANT.

SECTION 6. In all cases where oath is made for a warrant, the complaint shall be made on oath, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form: The city of Green Bay against A. B., in —— court, before C. D, ——. County of Brown — ss.

—— ——, being duly sworn, complains on oath to C. D., —— —— in and for the city of Green Bay, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate (section —— of chapter ——

of this act, or section —— of an ordinance, or by-law, or regulation, of said city, describing it by its title) which said —— is now in force, as this complainant verily believes, and prays that said A. B. may be arrested and held to answer to said city of Green Bay therefor.

Sworn and subscribed to, this —— day of ——, 18—, before me. —— ——.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, or particular part thereof in the foregoing forms of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Forms.

County of Brown, City of Green Bay—ss:

The State of Wisconsin, to the sheriff or any constable of said county, and to the chief of police of the City of Green Bay, greeting:

Whereas, —— has this day complained to me, in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title), which said —— is now in full force, as the complainant believes; therefore, you are commanded to arrest the body of said A. B., and bring him before me forthwith to answer to the city of Green Bay on the complaint aforesaid. C. D., ——.

Upon the return of the warrant, the justice may proceed summarily, with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security to be approved by the court for his or their appearance in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Brown county. The complaint as aforesaid shall be the only complaint required, and the answer of not guilty shall put in issue all subject matter embraced in the action.

COPIES AS EVIDENCE.

Copies as evidence.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common

council, or certified by the clerk of said city to have been so published, shall be prima facie evidence of its passage and publication, and shall be received in evidence on the trial of all cases cognizable before any court in this state.

ATTENDANCE OF WITNESSES AND JURORS.

SECTION 8. Witnesses and jurors shall attend before the court in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment. Attendance of witnesses and jurors.

FINDINGS OF COURT.

SECTION 9. In city prosecutions the findings of the court shall be either guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and the non-payment thereof, the justice shall forthwith issue execution as in other cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, for non-payment, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution may be in the following form: Findings of court.

Forms.

County of Brown, }
City of Green Bay } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the Chief of police of said city, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Green Bay, on the —— day of ——, 18—, recovered a judgment before the undersigned, —— ——, in and for said city, against —— ——, for the sum of —— dollars, together with —— dollars and —— cents, costs of suit, for the violation of (section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of the said —— ——, excepting such as the law exempts

and make sale thereof according to law to the amount of said sums, together with your fees, and twenty-five cents for this writ; and the same return to me in thirty days; and for want of such goods and chattels whereon to levy, to take the body of the said —— —— and him convey and deliver to the keeper of the common jail in Brown county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said —— —— for the term of ——, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand, this —— day of ——18—,

C. D.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

APPEAL, ETC.

Appeal.

SECTION 10. Any defendant, feeling aggrieved by the judgment of a justice of the peace in any action commenced under the provisions of this act, by summons or warrant, may appeal from such judgment to the circuit court of the county of Brown, in the manner provided by the general laws of this state for appeals from justices' courts in criminal cases. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries on his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

APPEAL, HOW TRIED.

Appeals, how tried.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice shall be rendered.

JUDGMENT TO BE ENTERED ON CONVICTION.

Judgment to be entered on conviction

SECTION 12. If the judgment of the justice shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinances, resolution, by law, or regulation under which he or they are prosecuted, and enter

judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

NOT TO WORK INCOMPETENCY

SECTION 13. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. Not to work incompetency.

ORDINANCES TO REMAIN IN FORCE.

SECTION 14. All ordinances and regulations now in force in the city of Green Bay, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect. Ordinance to remain in force.

PREVIOUS ACTIONS VESTED IN CITY.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created. Previous actions vested in city.

PRESERVATION OF BRIDGES.

SECTION 16. The general laws for the preservation of bridges and the punishment provided by such laws for willful and malicious injuries done thereto are hereby extended to and shall include all of the bridges erected or owned by said city over the Fox and East rivers, and shall apply to any willful or malicious damage which may be done to either of them by any person or persons whatever; and the common council of said city may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of such bridges, and enforce the same by adequate penalties. In case of any damage done to any of said bridges by any vessel or water craft, or by the master or any person in command thereof, such vessel or water craft may be proceeded against by the said city under the law to provide for the collection of demands against boats and vessels which does now or may hereafter exist. Preservation of bridges.

HOW PROCESS SERVED AGAINST CITY.

SECTION 17. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the summons with the mayor or clerk of said city, and it shall be the duty of the Serving process against city.

said mayor or clerk so served, forthwith to inform the city attorney thereof, or to take proceedings as by ordinance or resolution of said council may be in such cases provided. Judgments against said city shall be collected in the same manner as judgments against towns.

PENALTIES, ETC., TO BE PAID INTO THE TREASURY.

Penalties.

SECTION 18. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city, except as provided in chapter 8 of this act.

EXECUTION NOT TO BE ISSUED AGAINST CITY PROPERTY.

Execution against city.

SECTION 19. No execution or attachment in any legal proceedings shall be issued or levied upon or against any property belonging to the city of Green Bay. Nor shall private property in said city be subject to levy or seizure upon attachment or execution, issued to collect or satisfy any contract, debt, obligation, demand or judgment against said city.

MISDEMEANORS OF CITY OFFICERS AND THEIR PUNISHMENT.

Misdemeanors.

SECTION 20. Every member of the common council of the city of Green Bay, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any other purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspectors of elections, member of the board of registry, and as member of the board of review; any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council or other city officer, who shall directly or indirectly purchase, or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted by complaint before the police court, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court.

CHAPTER XII.

MISCELLANEOUS.

CONTRACTS FOR WORK TO BE LET TO THE LOWEST BIDDER.

SECTION 1. All contracts for work ordered by the common council shall be let to the lowest reasonable responsible bidder, who shall have complied with the requirements hereinafter set forth. All bids or proposals shall be sealed and directed to the common council, and shall be accompanied with a bond to the city of Green Bay, in the penal sum of one-third the city's estimate of the cost of the work, which bond shall be signed by the bidder, and by a responsible surety, who shall make affidavit that he is worth the penal sum of such bond, over and above all his debts, liabilities and exemptions; such bond shall be conditional that such bidder will execute a contract, at such time as the common council shall require, with satisfactory sureties, to perform the work specified; said bond may be prosecuted in the name of the city, and judgment recovered thereon for the full amount of the penalty thereof as liquidated damages in any court having jurisdiction of the action; provided, that the penal sum of any bond in this section required to accompany a bid need in no case exceed the sum of one hundred dollars. Miscellaneous provisions.

CONTRACTS TO BE EXECUTED BY SURETIES.

SECTION 2. No contract shall be entered into by the city unless the same shall be executed by two or more sureties for the contractors, guaranteeing to the satisfaction and approval of the proper authorities the performance of such contract by the contractors, each of which sureties shall make an affidavit indorsed on or attached to such contract, that he is worth the estimated amount of money to be paid on such contract, over and above all his debts, liabilities and exemptions. Whenever the lowest bid for any work to be let by said city shall appear to the said council to be unreasonably high, the said council is authorized to reject all bids therefor, and to relet the work anew. Contracts to be executed by sureties.

BARRIERS AND LIGHTS.

SECTION 3. Whenever the city shall let any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway or public ground within said city, there shall be inserted in Barriers and lights.

the contract therefor substantial covenants requiring such contractors during the night time, and during all times when work thereon is suspended, to put up and maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway, or other public grounds for which the city might be liable, and also such other covenants and conditions as experience has proved or may prove necessary to save the city harmless from damages; and it shall also be provided in such contracts that the party contracting with the city shall be liable to said city for all damages occasioned by the digging up, use or occupancy of the street, alley, highway or public grounds or which may result therefrom, or which may result from the carelessness of such contractor, his agents employes or workmen.

TO BE SECURED AGAINST JUDGMENTS, ETC.

Security against judgments.

SECTION 4. Whenever any work or improvement shall be let by contract to any person or persons, firm or corporation, covenants shall be inserted in such contract, binding such person or persons, firm or corporation, and the sureties, to save and indemnify and keep harmless, the said city against all liabilities, judgments, costs and expenses which may in anywise come against said city in consequence of the granting of such contract, or which may in anywise result from the carelessness or neglect of such person or persons, firm or corporation, or his or its agents, employes or workmen, in any respect whatever.

APPROPRIATION OF MONEY.

Money appropriations.

SECTION 5. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

REMITTAL OF PENALTIES AND JUDGMENT.

Remittal of penalties.

SECTION 6. No penalty or judgment recovered in favor of the city, shall be remitted or discharged except by a two-thirds vote of the aldermen elect. The common council may by an affirmative vote of two-thirds of the aldermen elect, the mayor concurring, grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as they may deem proper.

SURVEYS OF STREETS, ETC.

Surveys of streets.

SECTION 7. The common council may at any time cause a new and accurate survey to be made of the

line and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made, and certified to by the surveyor, which shall be filed in the office of the city clerk.

SURVEYS TO BE EVIDENCE.

SECTION 8. The surveys and landmarks so made and established, shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state. **Surveys to be evidence.**

ESTABLISH GRADE OF STREETS.

SECTION 9. The common council may, at such time as it may deem proper, establish the grades of all the streets, alleys and sidewalks in said city, or any or either of them, and shall cause accurate profiles thereof to be made, which shall be filed in the office of the city clerk; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owners of lots or parcels of land, or tenements which may be affected or injured in consequence of the alteration of such grade. **Grade of streets.**

CITY MAY HOLD PROPERTY.

SECTION 10. The said city may have, purchase or hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation. **City may hold property.**

EXECUTION OF LEASES, ETC.

SECTION 11. When the city of Green Bay deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Green Bay, and the person or persons authorized to execute such deed or lease need not be named in the body thereof. **Executions of leases.**

THE MAYOR TO EXECUTE LEASES.

SECTION 12. The mayor of said city is hereby authorized, when the common council shall, by a two-thirds vote, so direct, and shall, by ordinance or resolution, describe the real estate and interest to be conveyed, to execute a deed or lease of such real estate or interest therein belonging to said city. The said deed or lease shall be signed by the mayor of the city and counter- **Mayor to execute leases.**

signed by the city clerk, and sealed with the corporate seal of said city and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

DEEDS AND LEASES TO BE RECORDED.

Deeds to be recorded.

SECTION 13. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with the said deed or lease and such copy so attached and the record thereof shall, in all courts of this state, be prima facie evidence of the authority of the mayor to make and execute such deed or lease.

FAILURE OF ELECTION NOT TO SUSPEND CORPORATION.

Failure of election not to suspend corporation.

SECTION 14. If any election by the people or common council shall, for any cause not be held at the time or in the manner herein prescribed, or if the common council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending or abolishing said corporation; but such election or organization may be had at any subsequent day, by order of the mayor; and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said act may be done and performed.

GENERAL LAWS NOT TO MODIFY THIS ACT.

General laws not to modify this act.

SECTION 15. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

CITY TO HAVE JURISDICTION OF BRIDGES.

Jurisdiction of bridges.

SECTION 16. All bridges belonging to the city of Green Bay shall be under the jurisdiction of the corporate authorities thereof.

ON RELIEF AND SUPPORT OF POOR.

Relief and support of poor.

SECTION 17. The laws of the state for the relief and support of the poor in towns shall apply to said city of Green Bay, and the common council shall appoint at least three of its number, who shall organize and act as a poor board, with the mayor as president thereof; such board shall be governed by such rules as

the common council may prescribe, and in respect to the poor of the city shall have the same powers, be subject to the same liabilities and governed by the same laws as supervisors of towns.

SALARIES OF CITY OFFICERS.

SECTION 18. The salaries of all city officers of said city shall be paid monthly. Salaries.

APPLICATION OF THIS ACT TO CITY OFFICERS, ETC.

SECTION 19. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof. Application of this act, etc.

OF SALARIES.

SECTION 20. No compensation or salary shall be paid to the mayor or any alderman of said city, except as provided in section 21 of chapter 11 of this act. Salaries.

REPEALED.

SECTION 21. Chapter 262 of the laws of 1875 and the several acts amendatory thereof, and all other acts or parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, act or suits, claims, penalty or demands that may have been entered into, performed, commenced or that may exist under or by virtue or in pursuance of the said acts or any of them; but the same shall exist and be in force, and carried out and be completed as fully and effectually, to all intents and purposes, as if this act had not been passed. Repealed.

PUBLIC ACT.

SECTION 22. This is hereby declared a public act, and shall be liberally construed in all courts of this state. Public act.

SECTION 23. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.

[No. 32, S.] [Published March 28, 1882.]

CHAPTER 170.

AN ACT vesting in assignees, in cases of voluntary assignments, the rights of creditors to avoid fraudulent conveyances, and amendatory of chapter 80 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Rights and interests of creditors.

SECTION 1. In all cases of voluntary assignment for the benefit of creditors made under the provisions of chapter 80 of the revised statutes, the assignee or assignees shall be considered as representing the rights and interests of the creditors of the debtor or debtors making the assignment, as against all transfers and conveyances of property which would be held to be fraudulent or void as to creditors; and shall have all the rights which such creditors would have to bring and maintain an action to avoid such fraudulent conveyances and transfers.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 18, 1882.

[No. 311, A.] [Published March 27, 1882.]

CHAPTER 171.

AN ACT to change the name of the village of Spring Valley, in Richland county, Wisconsin, to West Branch.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. The name of the village of Spring Valley, in the county of Richland, in the state of Wisconsin, is hereby changed to West Branch.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1882.

[No. 58, A.] [Published March 22, 1882.]

CHAPTER 172.

AN ACT to incorporate the city of Stoughton.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

Boundaries.

SECTION 1. From and after the first Tuesday of April, 1882, the district of country in the county of Dane contained within the limits and boundaries here-

inafter described shall be a city by the name of the "city of Stoughton," and the people now inhabiting and those who shall hereafter inhabit the district of country herein described shall be a municipal corporation by the name of the "city of Stoughton," and shall have the general powers possessed by municipal corporations at common law, and under the revised statutes, and in addition thereto such as are herein specially granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

SECTION 2. The territory lying in the county of Dane, being the south half (½) of section number five (5), the north half (½) of section number eight (8), and the west half (½) of the northwest quarter (¼) of section number nine (9), included within the limits of the present village of Stoughton, and the west half (½) of the southwest quarter (¼) of section number four (4), and the northeast quarter (¼) of the southwest quarter (¼), and the northwest quarter (¼) of the southeast quarter (¼) of section number eight (8) of township five (5) north, of range eleven (11) east, shall comprise the territory and limits of the city of Stoughton.

SECTION 3. The city shall be divided into two wards, as follows: The first ward shall be all that portion of said city lying north of Main street and the highway leading east between sections four (4) and nine (9) of the town of Dunkirk. The second ward shall be comprised of all that portion of said city not included in the first. **Ward limits.**

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of two members from each ward, who, with the mayor, shall be denominated the common council, and in such other officers as are hereinafter provided for or may be created under this act. **Corporate authority.**

CHAPTER II.

ELECTIONS.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday in April of each year, at such place in each ward as the common council shall designate. Ten days' notice shall be **Elections.**

take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary. He shall have the authority to remove the marshal for inefficiency or neglect of duty, and appoint some one to fill the vacancy, but such removal and appointment shall be subject to the ratification or approval of a majority of the common council. The mayor shall have a vote in the council only in case of a tie, except that when the council shall be engaged in the election of any officer, he shall have a vote the same as an alderman.

President of council.

SECTION 3. At the first meeting of the council after their election in each year, it shall proceed to elect, by ballot, one of its members president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability, for any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case both the mayor and president shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer, who for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled acting mayor, and any acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council, as acting mayor, shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council.

Duties of clerk.

SECTION 4. The clerk shall keep the corporate seal, and all papers and records of the city, and keep a record of the proceedings of the common council at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced;

he shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. Whenever the clerk shall be absent from any meeting, the common council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations, and may appoint a deputy in writing, under his hand, and file such appointment in his office, and such deputy, in case of absence or disability of the clerk, shall act in his place.

Duties of treasurer.

SECTION 5. The treasurer shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures since the date of the last annual report; and also of the state of the treasury, which statement shall be filed with the clerk. The city treasurer shall be collector of taxes in said city, and in addition to the powers and duties already specified, shall have the same powers and duties and be subject to the same liabilities as treasurers in towns.

Duties and powers of marshal.

SECTION 6. The marshal shall possess all the powers of a constable in towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and process to him directed by any justice of the peace, and when necessary, in criminal cases, or for the violation of any ordinance of said city or laws of this state, may pursue and serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend any person in the act of committing any offence against any ordinance of said city or the laws of this state, and forthwith bring such person before competent authority for examination; and for such service he shall receive such fees as are allowed to constables for like service. He shall do and perform all such duties as may lawfully be enjoined on him by the ordinances of said city. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require a bond for the

faithful discharge of their duties. The marshal shall be appointed by the common council as soon as they shall organize, and they may at the time of his appointment or afterward allow him such further compensation than above prescribed as they may deem prudent.

Other duties may be required from officers.

SECTION 7. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act; and to prescribe their duties, and to fix the compensation of all officers appointed by them where the compensation is not fixed by the statute or this charter. The council shall, at least ten days before the annual charter election in each year, fix, by resolution, the salary which shall be paid to the clerk and assessor for the ensuing year, and such salary shall not be increased or diminished during the term of the officer elected; neither shall extra compensation be granted except by unanimous vote of the council, approved by the mayor. For the year 1882 such compensation shall be fixed by the common council within ten days after it shall organize, and the notice of the first election held under this charter may be given by the village clerk and the inspectors thereof may be appointed by the board of trustees of the present village of Stoughton.

Penalty for not delivering to successor.

SECTION 8. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of the state.

Jobbery.

SECTION 9. No alderman shall be a party to, or interested in any job or contract with the city, and any contract in which any alderman, may be so interested shall be null and void, and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same, or either or any one of them.

Officers of the peace.

SECTION 10. The mayor or acting mayor, and each and every alderman, justice of the peace, marshal,

constable and watchman shall be officers of the peace and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and, for such purposes, may command the assistance of all bystanders, and other citizens; and if any person, bystander, or citizen shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of five dollars; and in cases where the civil power may be required to suppress riotous or disorderly behavior. the superior or senior officer present in the order above mentioned in this section, shall direct the proceedings.

Corporate name.

SECTION 11. All acts to recover any penalty or forfeiture under this charter, or the ordinances, by-laws police and health regulations made in pursuance thereof, shall be brought in the corporate name of the city, and may be heard and determined by or before any justice of the peace in the city. All fines and penalties collected by any justice in such cases shall be paid over to the city treasurer, except those for refusing to work upon the highways, which shall be paid over, on demand, to the street commissioner. Each justice shall report to the common council on the first Monday in January, April, July, and October in each year, a statement of all such fines and penalties collected by him, and at the same time pay over the amount thereof to the city treasurer, except as above mentioned.

Any officer may resign.

SECTION 12. Any officer may resign his office by filing his written resignation with the clerk, and such resignation shall take effect and his office shall be deemed vacant from the time such resignation shall be accepted by the common council.

Bonds and sureties.

SECTION 13. No alderman or other city officer shall be accepted as surety upon any bond, note or obligation made by the city, nor shall any officer, required to give bonds as aforesaid, enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

CHAPTER IV.

THE COMMON COUNCIL—ITS POWERS AND DUTIES.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and the common council of the city of Stoughton do ordain." The common council shall

meet at such time and place as it shall fix upon. A majority of the aldermen shall constitute a quorum.

Shall hold meetings.

SECTION 2. The common council shall hold stated meetings, by notice to each of the members, to be served personally or left at their usual places of business or abode. The common council shall determine the rules of its own proceedings, and be the judges of the election and qualification of its own members, and have power to compel the attendance of absent members, and to enforce its rules, to punish, by fine by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct, and, by a vote of two-thirds of its members, may expel any member for cause.

Duties of common council.

SECTION 3. The common council shall have the management and control of the finances, and of all the property of city; and shall likewise in addition to the powers herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of the trade, commerce and health thereof, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, or by-laws; and such ordinances, rules, and by-laws are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinances, resolution or by-laws:

Licenses.

1st. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law; and to grant licenses, and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

Gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance for the purpose of gaming in said city and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors unless duly licensed by the common council.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming. Prevent riots.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. Nauseous places.

5th. To direct the location and management of slaughter houses and markets, and to regulate the storage, safe keeping and conveying of gunpowder or other combustible materials. Slaughter houses.

5th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other material or substance whatever. Encumbering streets.

7th. To prevent horse racing, and immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city. Horse racing.

8th. To restrain and regulate the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same. Restrain cattle.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances. Dogs.

10th. To prevent any person from bringing, depositing or having within the limits of said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by the owner thereof, or by the person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides, or skins of any kind, and on default, to authorize the removal thereof by some competent officer at the expense of such person or persons. Unwholesome substance.

11th. To regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen, and cartmen in the city. License hacks, etc.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

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Gaming.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance for the purpose of gaming in said city and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors unless duly licensed by the common council.

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8th. To restrain and regulate the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same. Restrain cattle.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances. Dogs.

10th. To prevent any person from bringing, depositing or having within the limits of said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by the owner thereof, or by the person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides, or skins of any kind, and on default, to authorize the removal thereof by some competent officer at the expense of such person or persons. Unwholesome substance.

11th. To regulate and license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen, and cartmen in the city. License hacks, etc.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of bills of mortality, and to exempt burial grounds set apart for public use from taxation. Boards of health.

Bread.

13th. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Driving on sidewalks.

14th. To prevent all persons from riding, or driving any horse, ox, mule, cattle or other animals on the sidewalks in said city, or in any way doing any damage to such sidewalks.

Shooting firearms.

15th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Restrain drunkenness.

16th. To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Regulate runners.

17th. To restrain and regulate runners and solicitors for stages, public houses, or other establishments, and to regulate the police of said city.

Public markets.

18th. To establish public markets and to make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Butchers' stalls.

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish, and other provisions.

20th. To regulate the place and manner of the weighing and selling of fuel, hay, and lime, and to appoint suitable persons to superintend and conduct the same.

Removal of snow and dirt.

21st. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by them all such substance as the board of health shall direct; and on their default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owners or occupants.

Infectious diseases.

22d. To regulate, control and prevent the landing of persons from cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

23d. To license auctioneers, and transient dealers, and to regulate the time, place and manner of

holding public auctions or vendues, and to require the payment into the city treasury of a certain percentage of amounts received from sales by auctioneers and transient dealers.

24th. To appoint watchmen and prescribe their duties. **Appoint watchmen.**

SECTION 4. All ordinances shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall be published once a week for three successive weeks in the newspaper selected by the council printed in Dane county, before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before the said ordinances shall be recorded, the publication thereof respectively within the said time shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication. **Ordinances, how passed.**

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law. Gambling houses and houses of ill-fame are hereby declared and shall be deemed public or common nuisances. **Suits for nuisances.**

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner of each ward, marshal, and all other officers and agents of the city, at such time as it may deem proper, also at the end of each year, and before the term for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts, moneys and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of his duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his moneys, books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his **Shall audit accounts.**

official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER V.

OPENING OF STREETS, ALLEYS, ETC.

Opening of streets and alleys.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to enlarge or extend the same, and to use the land in said city for the purpose of constructing and repairing sewers and drains, as follows: Whenever ten or more freeholders residing in the city shall, by petition represent to the common council that it is necessary to take certain lands within the city for public use, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, or to use certain lands within the city for the purpose of constructing and repairing sewers and drains, giving the course and distances, metes and bounds of the lands proposed to be taken or used as aforesaid, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, the common council shall, if it deem it necessary to take and use such lands for the purpose specified in such petition, cause notice of such application to be given to the owner or owners of such land, in case such owner or owners shall reside in the county of Dane and to the occupant or occupants of such land, if any there be, which notice may be served personally or by leaving the same at the place of business or at the residence of such owner or owners, occupant or occupants; or if a portion of said lands shall not be in the actual occupation of any person then the common council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in a public newspaper printed in the county of Dane, for four successive weeks, at least once in each week.

What notice shall state.

SECTION 2. Such notice shall state that on a day therein to be named, not less than ten days from the service of such notice or the expiration of such publication, as the case may be, application will be made to the county judge of the county of Dane for the appointment of six jurors to view said premises, and to determine whether it will be necessary to take or use the same for the purposes specified in said petition, and if so to assess damages. Should any of the lands proposed to be taken or used belong to the county judge, the application shall be made to the sheriff of the county

SECTION 3. Upon presentation of such application, and upon proof of the publication or service of the notice hereinbefore required, the said judge or sheriff, as the case may be, shall thereupon appoint as jurors six reputable freeholders, residents of the city, and not interested in the result of such application. The said judge or sheriff shall thereupon issue his precept directed to said jurors, requiring them within thirty days from the date thereof to view such premises, to be specified in said precept, and to make return under their hands to the common council, whether in their judgment it is necessary to take or use said premises for the purpose specified in such application. Jurors.

SECTION 4. If any juror so appointed shall be disqualified from acting, or shall refuse to act, at any time before the completion of their final award, the judge or sheriff shall appoint others in their place, and a memorandum of such substitution shall be endorsed on the precept. Disqualified.

SECTION 5. The said jurors, having first taken the oath hereinafter provided for, shall at such times as they may agree, proceed in a body to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the jurors; and either of the jurors shall be authorized to administer the necessary oaths to witnesses. Shall first take oath.

SECTION 6. After viewing the premises and hearing such testimony as may be offered, the jurors shall make a report of their proceeding, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take or use the premises in question for the public use; which said report, testimony and precept shall be returned to the common council within the time limited therein. Shall make a report.

SECTION 7. Should the jurors report that it is necessary to take such premises, the common council, shall if it approve such report, enter an order among its proceedings confirming said report, and directing the same jurors, within one month thereafter, or such further time as may be necessary, to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and to assess and return within the time limited such damages to the common council. Concerning said report.

SECTION 8. If there should be any building standing, in whole or in part upon the lands to be taken, the Buildings on land.

jurors before proceeding to make their assessments, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him. And secondly, the value of such building to remove.

Notice to be given.

SECTION 9. At least ten days' personal notice of such determination shall be given to the owner or his agent, if known and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given by publication in a newspaper published in Dane county, three successive weeks; such notice shall specify the building and the award of jurors. It shall also require the parties interested to appear by a day to be therein named, and give notice of their election to the common council, either to accept the award of the jurors, and allow such building to be taken, with the land appropriated, or of their intention to remove such building, at the value set thereon by the jurors to remove. If the owner shall agree to remove such building, he shall have such time for that purpose as the common council may allow.

owner refuses to sell.

SECTION 10. If the owner refuse to take the building at the value to remove, or fails to give notice of his election as aforesaid, within the time prescribed, the common council shall have power to direct the sale of such building at public auction, for cash, giving ten days' notice of such sale. The proceeds shall be paid to the city treasurer, for the use of the owner, and shall thereafter be paid over to the owner on his application therefor, provided it shall be necessary to remove such buildings for the proper use of the lands so taken or used.

Juror shall view and examine.

SECTION 11. The said jurors, within the time limited, shall view and examine the premises proposed to be taken and used, and after hearing such testimony as may be offered, and which shall be reduced to writing by one of said jurors, they shall proceed to make their assessments and to determine and appraise to the owner or owners the value of the real estate so proposed to be taken or used, and the injury arising to them respectively in consequence of the taking or using thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement. In the estimate of damages to the lands, the jurors shall include the value of the building

or buildings (if the property of the owners of such lands) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in such case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Assess damages.

SECTION 12. The jurors shall assess the damages to every person separately, so that their return shall show how much is to be paid for each, and the amount shall be placed opposite their respective names.

If belonging t different parties.

SECTION 13. If the lands or buildings belong to different persons, or be subject to lease, judgment or mortgage, or other incumbrance, or if there be any estate in it less than an estate in fee, to such person or interest respectively, the injury done shall be awarded to the person entitled thereto by the jurors, less the benefits resulting to such interests respectively from the proposed improvement.

Award shall be signed.

SECTION 14. The award of the jurors shall be signed by them and returned, together with the testimony taken, to the common council within the time limited in their order of appointment, and shall be final unless appealed from in the manner hereinafter provided, and the damages allowed by such award shall be a legal charge against the city.

Damages must first be paid.

SECTION 15. The land required to be taken or used for the purposes mentioned in this act shall not be appropriated until the damages awarded therefor to the parties interested shall be paid or tendered to them or their agents, or, in case said parties or agents, cannot be found or are unknown, deposited to their credit in some safe place of deposit to be determined by the common council; and then, and not before, such lands may be taken or used and appropriated for the purposes required, and the lands shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys and public grounds heretofore opened or laid out, except in cases where the lands are only used for the purpose of sewers and drains, and then, in that case, the said city shall have the power to go upon said premises at any and all times for the purpose of examining and repairing said sewers and drains.

Land taken or used.

SECTION 16. When the whole of any lot or tract of land or other premises under lease or other contract or incumbrance shall be taken or used by virtue of this act, all the covenants, contracts or liabilites relating to the same or any part thereof shall, after the

expiration of the time for appeal, as hereinafter provided, respectively cease and be absolutely discharged.

If only a part is taken.

SECTION 17. When only part of the lot or tract of land or other premises so under lease or other contract or incumbrance shall be taken or used for the purpose aforesaid, such covenants, contracts or incumbrance shall be absolutely discharged as to the part thereof so taken, or used, but shall remain valid as to the residue thereof; and the rents, liens and payments due from or on account of the same, shall be so appropriated that the part thereof justly and equitably payable for such residue, and no more, shall be paid or recoverable for or in respect to the same.

Damages shall be paid.

SECTION 18. The damages assessed on each separate lot or tract shall be paid or tendered or deposited as herein required within one year from the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case as to any lot or tract on which they are so unpaid shall be void.

Infants in law.

SECTION 19. When any known owner of lands or tenements affected by any proceedings under this act, shall be an infant or labor under disability, the judge of the circuit court of Dane county, or the county judge may, upon the application of the common council, or of such party by his next friend, appoint a guardian for such party, and all notices required by this act shall be served upon such guardian in the same manner as if he were the party interested.

Jurors shall take an oath.

SECTION 20. The jurors mentioned in this act shall, before entering on the discharge of their duties, severally take an oath, before some competent officer, that they are freeholders of said city, and not interested in the premises proposed to be taken or used, and that they will faithfully and impartially discharge the trust reposed in them. If any juror shall neglect or refuse to serve after the return of the precept above mentioned, the county judge shall have power to appoint new jurors in place of those who shall so neglect or refuse to serve.

May appeal.

SECTION 21. The city council or any party interested may, within twenty days from the return of the jurors to the common council of the benefits and damages so assessed, appeal to the circuit court of Dane county from the decision of said jurors so far as it affects the interests of said appellants. Notice of such appeal shall be filed by the appellant, with the clerk of said court, within twenty days above men-

tioned, and the issue on such appeal shall be made up and tried in said court in such manner as said court shall direct. If any party other than the common council shall file such notice of appeal, they shall, before the trial thereof, give a bond in such sum and with such sureties as shall be approved by said court, conditional to pay all costs of said appeal, together with a reasonable attorney's fee, if the appellant shall fail to obtain a more favorable judgment than the award appealed from.

In case damages are increased or diminished.

SECTION 22. In case the amount of damages awarded by the jurors shall be increased or diminished upon the final determination of the appeal, the city clerk shall attach to said award a copy of the final judgment therein, and such award shall be considered (as to such difference) amended thereby

Survey to be made.

SECTION 23. Whenever any streets, alleys, or public grounds shall be laid out or extended, or sewers or drains constructed, under the provisions above, the common council shall cause an accurate survey and profile thereof to be made, and filed in the office of the city clerk.

Petition to vacate.

SECTION 24. No street or alley, or part thereof, shall be vacated except upon the petition of the owners of three-fourths of the front upon such street or alley in the block in or along which such street or alley runs; but the boundaries of streets may be changed upon petition to the council by the parties interested.

Unplatted lands.

SECTION 25. The foregoing provisions shall not apply to unplatted lands. Roads or streets may be laid out by the common council through unplatted lands in the same manner as roads are laid out by supervisors in towns.

Directory.

SECTION 26. All the foregoing directions given in this chapter shall be deemed only directory, and no error, irregularity or informality in any of the proceedings under the provisions of this chapter of this act, not affecting substantial justice, shall in any way affect the validity of the proceedings.

CHAPTER VI.

STREET TAXES.

Street taxes.

SECTION 1. The common council of said city shall have, and it is hereby granted, power to tax annually each male inhabitant within the corporate limits of said city, between the ages of twenty-one and fifty years, a sum not to exceed one dollar and fifty cents (to be de-

nominated a poll tax), and to be appropriated to the improvement of streets, roads, alleys and cross-walks within the corporate limits of said city; and, in addition to said poll tax, the common council may levy upon all the taxable property in said city a tax not to exceed five mills on the dollar of the assessed valuation, as shown by the last assessment roll of said city, to be known as a street tax.

Taxes assessed by resolution.

SECTION 2. Said taxes shall be assessed by the common council, by resolution, upon an affirmative vote of a majority thereof, and the ayes and noes shall be entered in its proceedings.

Apportion taxes.

SECTION 3. As soon as may be, after the assessment of the taxes above provided for by the common council, the clerk shall proceed to apportion the same, and carry out opposite the name of the individual and the property liable to pay said tax, as it shall appear upon the last assessment roll of said city, and shall issue a special tax warrant in the form provided by section 1241 of the revised statutes of the state of Wisconsin for the year 1878, to be signed by the mayor and countersigned by the clerk, which warrant shall be directed to the street commissioner of said city.

What warrant shall contain.

SECTION 4. Such warrant shall contain: 1. The names of all persons liable to pay poll tax within said city. 2. The name of each person assessed for personal property, the amount of each assessment and the amount of the tax thereon. 3. A description of all lots and parcels of land within said city, with the valuation, name of the owner, and amount of tax set opposite thereto, the description and value thereof, to be taken from the last assessment roll of said city.

To be delivered to street commissioner.

SECTION 5. Such warrant shall be delivered to the street commissioner on or before the first Monday in June, and he shall proceed to collect the taxes in the manner prescribed for the collection of highway taxes in towns, by the overseers of highways, excepting said street taxes shall be collected in money, and shall not be committed in labor.

Authority of overseer.

SECTION 6. The street commissioner shall have all the authority of an overseer of highways in towns, in relation to amending his warrant by adding thereto names of persons liable to pay street taxes in said city, which have been omitted by the clerk, or of new inhabitants who have not paid highway taxes for the same year elsewhere, and in assessing them with poll tax and street tax upon their taxable property and all further powers and rights of such overseers not herein

enumerated, which are necessary or proper to accomplish the collection and expenditure of said taxes, and not inconsistent with the provisions of this act.

Appointment of street commissioner.

SECTION 7. The street commissioner shall be appointed by the common council, and in addition to the collection of the street tax, as above provided, shall under the direction of the common council, expend the same on the streets, bridges, cross-walks and highways in said city; and the common council may, by resolution, direct the expenditure of not to exceed one third of said taxes upon the highways leading into said city outside of the corporate limits.

Street commissioner shall give bond.

SECTION 8. Every street commissioner hereafter appointed by the common council shall, before entering on the duties of his office, give a bond to the city of Stoughton, with one or more sufficient sureties, to be approved by the council in the penal sum of not less than fifteen hundred dollars, conditioned to render an account to the common council whenever required by law or the ordinances of said city, or by vote of said council, to safely keep and account for, and deliver over when lawfully required, all property of said city that may come into his hands; to use, disburse and pay over as required by law or the ordinance of said city, all moneys that may come into his possession as such officer, and to faithfully discharge the duties of said office.

Term of office.

SECTION 9. Every street commissioner shall hold his office for the term of one year from the first Tuesday in April of the year in which he is appointed, and shall, on or before the first Monday in November, render an account under oath to the common council, showing the amount of money collected by him as such commissioner, and from whom it was collected, and showing the amount of money that has been expended specifying the work for which it has been expended, and also showing the amount of labor and by whom performed, in payment of highway taxes, and when the same was performed. Such an account shall be rendered as often as the common council shall require.

Compensation.

SECTION 10. The street commissioner shall receive such compensation as the common council shall fix upon for his services, which may be by a per diem or per centage upon the tax collected and expended as the common council shall determine, and his compensation shall be decided upon at the time of his appointment, and shall not thereafter be changed except in the manner heretofore prescribed for changing compensation of other officers.

May declare his office vacant.

SECTION 11. The street commissioner shall hold his office for the term as stated in section 9, unless sooner removed by the common council, which may by a vote of three-fourths of the aldermen declare his office vacant after giving him due notice and a chance to be heard, and appoint his successor, who shall thereafter be entitled to all the emoluments, writs, records, books, papers, property and effects of every description in the hands of the person so removed.

SECTION 12. The street commissioner shall return all unpaid taxes in the manner and form prescribed for such return by the overseer of highways in towns.

CHAPTER VII.

OF SIDEWALKS.

Sidewalks.

SECTION 1. Upon the petition in writing of the owners of two thirds of the lots on any street or part of a street, or on one or more sides of any block or blocks, the common council shall have power to levy and collect a special tax on the owners of the lots on such street or part of a street, according to their respective parts, for the purpose of making a sidewalk along the same, and in case the necessary signatures to such petition cannot be obtained by reason of refusal to sign or of non-resident owners, then the common council shall have the power to levy such tax without such petition, if in its opinion it shall be for the public good.

Kind of walk.

SECTION 2. Before levying the tax above provided for, the common council shall by resolution determine what kind of a walk shall be laid and in what manner it shall be built, and shall make or cause to be made an estimate of the probable cost thereof, and shall levy the tax in accordance with such estimate.

Clerk shall make tax list.

SECTION 3. Whenever the common council shall levy a tax for the building of any sidewalk in accordance with the provisions of this chapter, the city clerk shall make out, under its direction, a tax list with warrant attached, signed by the mayor and countersigned by the clerk, and directed to the street commissioner, which tax list shall contain a list of the persons and description of the property taxed, with the amount of the tax set opposite thereto, and shall be delivered to the street commissioner to whom it is directed.

Shall notify persons.

SECTION 4. Upon the receipt of such warrant the street commissioner shall at once notify the persons

named in such list by publishing a notice in some public paper printed in said city, or posting the same in three or more public places in said city, which notice shall specify a time not less than ten nor more than thirty days from the date thereof, when they may pay such taxes in labor, materials or money, and such persons may, within such time and at such place as may be required by such street commissioner, pay their taxes in labor or materials, provided, that which they shall furnish shall be suitable, and such as the street commissioner may in his judgment require.

Shall build sidewalks.

SECTION 5. At the expiration of the time stated in said notice the street commissioner shall proceed to build said walk according to the specifications and in the manner provided by the common council, and in case any of the taxes contained in said list remain unpaid, he shall proceed to collect the same in the same manner as provided for the collection of delinquent street tax, and shall have the same authority so to do.

Street commissioner shall make return.

SECTION 6. Within sixty days from the receipt of said tax list, the street commissioner shall make return thereof, under oath, to the common council, showing the amount of taxes collected in labor and materials, and the amount collected in money, the manner in which it was expended and the items of such expenditure; also the taxes remaining unpaid, if any, and the persons and descriptions of real estate to which such unpaid taxes stand charged; and the clerk of said city shall, in making out the duplicate tax roll of said city next thereafter, enter such unpaid taxes therein, with twenty-five per cent. added thereto, opposite the names of the persons and descriptions of property against which the taxes so remain charged and unpaid, and they shall be collected in the same manner as the general taxes of said city are collected, and when so collected shall be paid over on the order of the common council, and when not previously applied shall be expended for the purpose for which originally designed.

Unpaid taxes.

SECTION 7. The common council may, when any tax has been returned unpaid by the street commissioner, by resolution, appropriate the amount thereof from the general funds of the city to accomplish the purpose designed; and in such case the moneys so used shall be replaced when such tax is collected.

Sidewalks needing repair.

SECTION 8. It shall be the duty of the street commissioner of said city, whenever in his opinion any portion of a sidewalk shall be out of repair or in a dangerous condition, to serve a written notice upon the owner

or occupant adjacent to which such defective sidewalk shall be, if a resident of said city, to immediately repair the same, and if said owner or occupant fail to repair the same forthwith, then and in that case and in the case of non-residents, the same may be repaired by the street commissioner at the expense of the lot adjoining said defective sidewalk; provided, however, that the expense to be charged to any lot for any such repairs shall in no case exceed the sum of five dollars, unless such repairs shall be according to and under the direction of the common council, which may by resolution require any sidewalk to be repaired and order the street commissioner to proceed as above set forth notwithstanding the cost of such repairs.

Service of written notice.

SECTION 9. Service of such written notice at the residence of the owner or occupant of such lot, upon a member of his family of suitable age and discretion, or with the agent of the owner, shall be deemed service upon such owner or occupant; and in case the owner of such lot is not a resident of said city or his residence is unknown, and such owner has no agent in said city known to the street commissioner, then and in that case it shall be the duty of the street commissioner to forthwith repair the same without notice to the owner of the adjoining lot, at the expense of such lot, as hereinbefore provided, and in case of the non-payment of the cost of such repairs he shall return the same under oath to the city clerk, who shall insert the same in the next tax roll of said city in the same manner as provided for the return and insertion of delinquent sidewalk tax, and with the same per cent. added thereto.

Powers of street commissioner.

SECTION 10. The street commissioner shall also have the same powers and duties in relation to removing obstructions from any of the sidewalks or streets in said city as town boards of supervisors have in removing obstructions from highways.

CHAPTER VIII.

FINANCES AND TAXATION.

Finances and taxation.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn upon the order of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable generally out of any funds

in the treasury belonging to the city. All orders shall be payable to the person in whose favor they may be drawn, or to the bearer thereof.

SECTION 2. No debt shall be contracted against the city, or order be drawn on the city treasurer, unless the same shall be authorized by a majority of the common council, and the vote authorizing the same shall be entered by ayes and nays upon the journal of the council; and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act, and for the payment of indebtedness now existing; nor shall the amount to be raised in any one year for the general city purposes, other than state, county or school taxes, and interest on the bonded indebtedness of said city, as authorized by law, exceed two per centum of the taxable property in said city, as shown by the next previous assessment. Contracting debts.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses shall be paid into the city treasury, and become part of the general fund, except as otherwise provided by this act. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of three fourths of all the aldermen elect. Disposition of penalties.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of this state, shall be subject to annual taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessor elected under this act shall have and possess the same powers and perform the same duties as are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors. All property subject to annual taxation.

SECTION 5. The assessor elected by virtue of this act shall, in all things pertaining to his office, so far as practicable, be governed by the same laws as assessors in towns. Governing assessor.

SECTION 6. The county board of supervisors shall have the right to regard the city of Stoughton as a town in equalizing the assessment rolls of the several towns in Dane county, as provided by law, but in such equalization shall consider the assessment roll of said city as City regarded as a town in equalizing.

an entire roll, and shall not change the relative valuation of the different wards.

How supervisors may levy taxes.

SECTION 7. The said board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law, in relation to towns or town clerks: and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

City clerk shall make out a statement.

SECTION 8. Upon receiving the statement of the amount of taxes so levied the city clerk shall make out upon the assessment roll, in colums left for that purpose, or upon a copy thereof, a complete statement of the several taxes levied for state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be called "the tax list of the city of Stoughton," and shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council.

Tax list shall be prima facie evidence.

SECTION 9. The tax list made out and preserved as aforesaid shall be prima facie evidence in every court of record in this state that every act or thing required by law to be done, relating to assessing or levying of taxes, from the election of officers to the completion of the tax list inclusive has been done regularly, correctly and as required by law.

Duplicate copy.

SECTION 10. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the first day of December of the same year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of such delivery on the tax list preserved in his office.

City treasurer shall proceed to collect.

SECTION 11. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to

collect the same in like manner, and shall have like powers and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall receive one per cent. fees upon all taxes paid to him before the tenth day of January, and two per cent. fees upon all taxes collected after that time, to be added to the amount of taxes and collected with the same, which shall be in full for all services performed by said treasurer under this act or the ordinances of said city.

Shall make a list of all lands.

SECTION 12. On or before the fifteenth day of February of each year, unless the time be extended as provided by laws, the city treasurer shall make out and return to the treasurer of Dane county a list of all lands, lots, and personal property upon which taxes have not been paid, and shall also settle with and pay all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of chapter 49 of the revised statutes and acts amendatory thereof shall extend to and may be enforced to collect any delinquent personal property tax.

County treasurer shall sell.

SECTION 13. The county treasurer shall sell all delinquent lands and lots returned from the city of Stoughton at the same time and in the same manner as other delinquent lands are sold in the county.

No real estate exempt.

SECTION 14. All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks and repairs thereof in front of the same.

Assessment of farming land.

SECTION 15. All lands lying within the city limits not divided and laid out into lots or blocks, and all out lots, not subdivided and numbered by such subdivisions, which may be used, occupied, reserved or held for agricultural purposes, shall be assessed as farming lands, and shall not be subject to any special taxes for sidewalks or sewers.

Informality or error not to vitiate.

SECTION 16. All the directions hereby given, except in section eight (8) of this chapter, for the assessing of lands and the levying, collection and return of taxes and assessments, and the sale thereof, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Purchase of fire engines, etc.

SECTION 17. In addition to the amount herein limited for taxes for general city purposes, special taxes

may be levied for the purchase of fire engines, cemetery grounds, public squares, gas purposes and other objects of public utility; but no such tax shall be levied unless the same shall first be recommended by the common council, and afterwards submitted to a vote of the people and approved by them. Whenever the council shall recommend such a tax, it shall specify the amount to be raised and the object thereof, and cause notice thereof, and of the time and place of voting thereon, to be published in the same manner as in case of the annual city election.

Lawful money.

SECTION 18. The city treasurer shall receive nothing but the lawful currency of the United States, for taxes, licenses or other dues of the city, and is prohibited from receiving county, city, school or other orders in payment of city dues.

Payment of all orders.

SECTION 19. It shall be the duty of the council to always provide for the prompt payment of all orders drawn on the city treasury, and it shall have power to negotiate temporary loans at the legal rate of interest, for the supplying of all funds to meet any deficiency in the treasury.

Funds overdrawn.

SECTION 20. When the treasurer shall be unable to pay any order drawn on the treasury, it shall be his duty to report the fact to the first regular meeting of the council. Thereupon the council shall direct its finance committee to examine the accounts of the treasurer, and if all funds in his hands have been paid out, then the council shall take such action as will enable the city to preserve its credit.

Taxes first to be paid.

SECTION 21. Out of the taxes collected by the city treasurer, the state tax shall first be paid; then all school taxes; then county taxes; then judgments; then all special taxes in the order in which they were levied. Delinquent returns shall be received by the county treasurer in payment of county taxes in the manner prescribed by the general laws of the state.

When council shall meet.

SECTION 22. The common council shall meet on Monday evening two weeks previous to the holding of the charter election, for the purpose of disposing of its unfinished business, and shall not thereafter, during its term of office, allow any bills against the city, but may anticipate and provide for the payment of salaries of officers for the balance of its term.

Surplus funds.

SECTION 23. The council shall have power to direct that all surplus funds belonging to the city, not needed for immediate use, may be invested as the council may direct, or borrowed for the temporary use

of the other funds of the city, and all interest and profits arising from such investment shall belong to the city, and shall be accounted for in the same manner as other funds are accounted for.

SECTION 24. The common council may, also, when occasion shall require, levy a special tax not to exceed three mills on the dollar of the taxable property of said city, for the purpose of building or repairing of bridges; such tax to be levied in the same manner and collected in the same way and at the same time as the general city taxes for that year. May levy special tax.

CHAPTER IX.

FIRE DEPARTMENT.

SECTION 1. The common council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof shall be erected, repaired or moved, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the removal of buildings into such fire limits, or the removal of any building or buildings situated or located within such fire limits to or on any other lot or lots within such fire limits, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of value thereof, and to prescribe the manner of ascertaining such damages. Fire department.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected May regulate construction of buildings.

persons, and to compel by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulation for the prevention and extinguishment of fires as the common council may deem expedient, and enforce the provisions of this chapter and the ordinances under it by suitable penalties.

Formation of hook and ladder.

SECTION 3. The common council shall have power to authorize the formation of fire engine, hook and ladder and hose companies, provide for the due and proper regulation of the same, and to disband any such companies at any time, and prohibit their meetings as such when disbanded, which companies shall be officered and governed by their own by-laws, provided such by-laws be not inconsistent with the laws of this state or with the ordinances and regulations of the city and shall be formed only by voluntary enlistment. Every active member of any company in said city shall be exempt from serving on juries and from poll tax and military duty, except in case of war, invasion or insurrection, and whenever a member of a fire, hook and ladder, bucket and hose company, shall have served therein for ten years, he shall be entitled to a discharge signed by the mayor, and shall thereafter be exempt as aforesaid.

Fire taxes.

SECTION 4. The common council shall have power to raise a tax each year, not exceeding two mills on the dollar of the taxable property within said city for fire purposes, the same to be assessed and collected in the same manner as the general tax of said city; and the moneys arising therefrom shall be expended under the direction of the common council of said city for fire purposes.

CHAPTER X.

SCHOOL DISTRICT.

School district.

SECTION 1. The school district now embracing the present village of Stoughton and a part of the town of Dunkirk, shall remain intact, and the same territory shall remain therein, excepting there shall be added thereto any and all territory within the limits of the city not heretofore contained in said school district, and the management of school matters shall remain the same as it has heretofore existed in the said village of Stoughton.

CHAPTER XI.

ACTION TO RECOVER PENALTIES, ETC.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the chapter and section of this act, or the section of the ordinance, by-law or regulation under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. Action to recover penalties.

SECTION 2. In all prosecutions for any violation of any of the provisions of this act or any by-law, ordinance or regulation, the first process shall be a summons unless oath be made for a warrant as in criminal cases before justices of the peace under the general statutes of the state for the time being. Summons.

SECTION 3. When the action is commenced by summons, such summons may be substantially in the following form: Forms.

County of Dane, City of Stoughton—ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal of the city of Stoughton:

You are hereby commanded to summon A. B., if he shall be found within your county, to appear before the undersigned justice of the peace in and for said city, at my office in said city, on the —— day of ——, A. D., 18—, at — o'clock in the —— noon, to answer the city of Stoughton to the damage of said city, two hundred dollars or under.

Given under my hand this —— day of —— 18—.

C. D., Justice of the Peace.

SECTION 4. Such summons shall be made returnable and be served in the same manner as is now or hereafter may be prescribed by the laws of this state for the commencement of actions before justices of the peace by summons; and all proceedings in the action, except as hereinafter provided, shall be governed by the laws of the state for the time being, relative to actions commenced by summons and triable before justices of the peace.

SECTION 5. When the action is commenced by summons, the complaint may be substantially in the following form:

Forms.

The City of Stoughton against A. B. In Justice Court, before C. D., Justice of the Peace.

The plaintiff complains against the defendant, for that the defendant, on the —— day of —— 18—, at the said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title), which said —— is now in force. By reason of such violation, an action hath accrued to the city of Stoughton to recover of the defendant the sum of —— dollars debt. Wherefore the plaintiff demands judgment against the defendant for the sum aforesaid, besides the costs of this action.

SECTION 6. In all cases where oath is made for a warrant, for the complaint shall be made on oath of the complainant, and no other affidavit shall be necessary, which last mentioned complaint may be substantially in the following form:

Forms.

The city of Stoughton against A. B., before C. D. Justice of the Peace—County of Dane—ss.

E. F., being duly sworn, on oath complains to C. D., Justice of the Peace in and for the city of Stoughton, in said county, that A. B., on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance, or by-law, or regulation, of said city, describing it by its title) which said —— is now in force, as this complainant verily believes, and prays that A. B. may be arrested and held to answer to said city of Stoughton.

Sworn and subscribed to before me this —— day of ——, 18—. —— ——.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated, in the foregoing form of complaint, and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Forms.

County of Dane, }
City of Stoughton } ss.

The State of Wisconsin, to the sheriff or any constable of said county, and to the marshal or any policeman of the city of Stoughton, greeting:

Whereas, —— has this day complained to me, in writing, on oath, that A. B., on the —— day of ——, 18—, at said city, did violate (section —— of chapter —— of this act, or section —— of an ordinance or

by-law or regulation of said city, describing it by its title), which said —— is now in force, as the complainant believes; therefore you are commanded to arrest the body of said A. B., and bring him before me forthwith to answer to the city of Stoughton on the complaint aforesaid. C. D., Justice of the Peace.

Procedure upon return of warrant.

Upon the return of the warrant, the justice shall proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendent, if required by the court so to do, shall recognize with security to be approved by the court for his, her or their appearance in such sum as the court shall direct, or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Dane county, and shall be received and kept therein the same as in criminal actions, except as modified by this act, or the ordinances of said city. The complaint made as aforesaid shall be the only complaint required; and the plea of not guilty shall put in issue all subject matter embraced in the action.

SECTION 7. A printed copy of an ordinance, by-law or regulation passed by the common council and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication, and shall be received in evidence on trial of all cases cognizable before any court of this state.

Without fees.

SECTION 8. Witnesses and jurors shall attend before the justice of the peace in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof their attendance may be compelled by attachment.

Trial by jury.

SECTION 9. In city prosecutions both plaintiff and defendant shall enjoy the right of trial by jury as in civil actions in justices' courts, and the findings of the court shall be, guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture presented in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant and the non-payment thereof, the justice shall forthwith issue execution as in cases of tort; in case the

action was commenced by summons, and a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution or commitment. Such execution shall be in the following form:

Forms.

County of Dane, }
City of Stoughton. } ss.

The state of Wisconsin, to the sheriff or any constable of said county, or to the marshal or policemen of the city, and to the keeper of common jail of said county, greeting:

Whereas, the said city of Stoughton, on the —— day of ——, 18—, recovered a judgment before the undersigned justice of the peace in and for said city, against —— ——, for the sum of —— dollars, together with —— dollars and —— cents, costs of suit, for the violation of (section —— of chapter ——— of this act, or section —— of an ordinance or by-law or regulation of said city, describing it by its title): You are hereby commanded to levy distress of the goods and chattels of the said —— ——, excepting such as the law exempts and make sale thereof according to law to the amount of said sums, together with your fees, twenty-five cents for this writ; and the same return to me within thirty days; and for want of such goods and chattles whereon to levy, to take the body of the said —— ——— and him convey and deliver to the keeper of the common jail of Dane county; and said keeper is hereby commanded to receive and keep in custody in said jail, the said —— ——— for the term of ——, unless the said judgment, together with all the costs and fees are sooner paid, or he be discharged by due course of law.

Given under my hand, this ——— day of——, 18—.

C. D., Justice of the Peace.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writ.

Appeal.

SECTION 10. In any case the defendant may appeal from such judgment to the circuit court of the county of Dane; provided, that such defendant within twenty-four hours enter into a recognizance, with one or more sufficient sureties, to be approved by such justice, conditioned to appear before said court and abide the judgment of the court therein. The justice from whose judgment an appeal shall be taken shall make a special return of the proceedings had before him, and shall

forthwith cause the summons or warrant and return, together with the proceedings and a copy of the entries in his docket in the action, together with the recognizance, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment as in other cases before justices of the peace.

Jury trial.

SECTION 11. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, and the next term thereof after the day the judgment of the justice shall be rendered, and no notice of trial shall be required to be given to or by either party.

If judgment shall be affirmed.

SECTION 12. If the judgment of the justice shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by this act, or the ordinance, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in actions of tort.

Incompetent judge.

SECTION 13. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Ordinances, etc., to remain in force.

SECTION 14. All ordinances and regulations now in force in the village of Stoughton, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Village actions to be prosecuted by city.

SECTION 15. All actions, rights and penalties, fines and forfeitures, in suits or otherwise, which have arisen or accumulated under the several ordinances or acts incorporating Stoughton village, shall be vested in and prosecuted by the corporation hereby created.

How action to be commenced.

SECTION 16. When any suit or action shall be commenced against said city, the service thereof shall be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of said mayor or clerk of said city so served, forthwith to inform the common council thereof, or to take such demand or proceeding as by the ordinance or resolution of said council may be in such cases provided.

Penalties to be paid into treasury.

SECTION 17. All penalties and forfeitures recovered and collected under and by virtue of this act, shall be paid into the city treasury for the use and benefit of said city.

Plats of village.

SECTION 18. The plats of the village of Stoughton and the additions thereto are hereby adopted as the plats of the city of Stoughton and additions thereto, and the real estate included in said plats may be hereafter described by lots and blocks as they appear on said plats, and by describing the plats as "the original plat of the village, now city of Stoughton," or "the plat of O. M. Turner's addition to the village, now city of Stoughton," and in like manner with the plats of other additions, or in any other manner so as to describe the land with reasonable certainty.

Poor.

SECTION 19. All laws in relation to the support of the poor in towns shall apply and be in force in said city.

Village property transferred.

SECTION 20. All moneys, property, effects and credits belonging to the present village of Stoughton shall belong to the city of Stoughton, and shall be transferred to the proper officers of said city by the persons in charge of the same as soon as such officers shall be elected and qualified.

Lawful debts.

SECTION 21. Any lawful debt, claim, demand or right of action against the present village of Stoughton shall be and become a lawful debt, claim, demand or right of action against the city of Stoughton.

First election.

SECTION 22. All duties herein required of the mayor, aldermen, common council or clerk in regard to elections shall be performed, so far as may be necessary, by the present president, trustees, board of trustees, and clerk of the village of Stoughton, in regard to the first election and the organization of the city government under this act.

Repeal.

SECTION 23. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SECTION 24. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1882.

[No. 120, S.] [Published March 25, 1882.]

CHAPTER 173.

AN ACT to amend "an act to revise, consolidate and amend the charter of the city of La Crosse, approved February 19, A. D. 1869, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 9 of chapter 3 of chapter 135 of the laws of 1876, entitled "an act to revise, con-

solidate and amend the charter of the city of LaCrosse, approved February 19, A. D. 1869, and the several acts amendatory thereof," is hereby amended so as to read as follows: Section 9. The common council shall annually provide that all printing authorized and required to be done for the use of the city or any officer or department thereof, shall be let by contract to the lowest responsible bidder for the term of one year, but no bid shall be considered unless made by the publisher of a newspaper printed in the English language in the city of La Crosse, unless the bids of such publisher shall be higher than the legal rates of advertising, or unless such publisher shall fail to bid. All ordinances and other proceedings and notices, required by this act, or by the resolutions or ordinances of the common council to be published, shall be published in a newspaper selected under the provisions of this section, and the printer of such newspaper shall file with the clerk, of said city his own affidavit, or the affidavit of his foreman or principal clerk, annexed to a printed copy of such ordinance, resolution, notice or other proceedings, taken from said paper, and specifying the time when, and the paper in which the same was published; and such affidavit shall be received in all courts and places as presumptive evidence of such publication, and of the facts stated therein. The common council shall have power to contract with the publishers of newspapers printed in foreign languages, for the publication therein of the proceedings of the common council and the annual reports of such city officers as the council may order to be so published; provided, that the expense thereof shall not exceed the sum of seventy-five dollars per year for each such paper publishing the council proceedings, nor forty cents per folio for the publication of such reports.

Shall be published in a newspaper.

SECTION 2. Section 5 of chapter 2 of the act to which this act is amendatory, is hereby amended by adding at the end thereof the following proviso: "Provided, that when any such vacancy in any of the offices first named in this section shall become known to the common council in session less than six months prior to the next ensuing annual election, said council may, in its discretion, order a special election as hereinbefore provided, or may appoint a suitable person to fill such vacancy until the Tuesday after the next ensuing charter election. If the term of the office in which the vacancy occurs does not then expire, the same shall be filled by election by the people at such

In regard vacancies.

charter election. If any such vacancy shall occur in the office of mayor within the time aforesaid, and the common council shall not order an election to fill the same, the duties of mayor shall be performed until the end of the term as in this act provided in case of the absence of the mayor or his inability to act.

Boards of health.

SECTION 3. Subdivision 12 of section 3 of chapter 4 of the act to which this act is amendatory is hereby amended so as to read as follows: 12th. To establish and regulate a board or boards of health, to prescribe their duties, to confer upon the same all powers necessary to preserve the health of said city, and provide for the enforcement of the orders and directions of any such board of health, and for the punishment of persons refusing or neglecting to comply with such order or directions, or obstructing the execution thereof, provide hospital and cemetery grounds, regulate the burial of the dead, and compel all physicians or other persons cognizant of the death of any person to report the same with the cause thereof; to exempt public burial grounds from taxation, and by an affirmative vote of three-fourths of all the aldermen elect, to license and permit the laying out, establishment and use, at any place whatever, within or near the limits of said city, of any cemetery or burial grounds, anything in any law of this state to the contrary notwithstanding.

Weighing and selling hay.

SECTION 4. Subdivision 20 of section 3 of sub chapter 4 of the act to which this act is amendatory is hereby amended so as to read as follows: 20th. To regulate the place and manner of weighing and selling hay, grain and pork, and the measuring, weighing and selling of wood, coal and all other gross commodities, and to appoint suitable persons to superintend and conduct the same; also to license, tax or regulate the sale of lime, and to regulate, suppress or prohibit the keeping sale and handling of the same within such distance of any dwelling or other occupied building as said council may deem best.

Egress from theatres.

SECTION 5. Subdivision 38 of section 3 of sub-charter 4 of the act to which this act is amendatory is hereby amended so as to read as follows: 38. To require and compel every hall, theater, opera house, church, school house or building of any kind whatsoever, to be used for the assemblage of people, to be provided with ample means for the safe and speedy egress of the persons therein assembled, in case of alarm, and to prohibit the use of such buildings without such means of egress, by suitable penalties, to be enforced against any

owner, occupant, lessee or other person or persons, having power or control over the same.

SECTION 6. Section 1 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 1. The common council shall have power to lay out public squares, grounds, market places, streets and alleys, and to extend, enlarge and widen the same, and to condemn and take land for other public municipal purposes, as follows: Any ten or more freeholders residing in any ward may, by petition, represent to the common council that it is necessary to take lands within the ward where such petitioners reside, for public use, for the purpose of laying out, enlarging, extending or widening one or more public squares, grounds, market places, streets or alleys, or for any other public municipal purpose or purposes. Said petition shall set forth by some sufficient description the whole body or bodies of land proposed to be taken for the purpose or purposes mentioned therein, without regard to its subdivisions in ownership, and pray that such lands may be taken for such purpose or purposes according to law. Every person signing such petition shall write after his signature a brief description of his real estate which makes him such freeholder or of some part thereof, and of the place of his residence in the city. There shall be presented to the common council at the same time with said petition and annexed thereto a bond executed by the petitioners or other parties to the city of La Crosse, in the penal sum of five hundred dollars, with sureties to be approved by the common council, conditioned for the re-payment to said city of all charges which the city may pay or become liable to pay in consequence of such application, in case the jury to be appointed as hereinafter mentioned shall by their verdict decide against the necessity of taking the lands mentioned in the petition. Upon the presentation of such petition and bond, the same shall be referred to a committee to inquire and report at a subsequent meeting as to the form and sufficiency of such bond, and as to whether the petitioners are residents and freeholders of the ward in which the lands are situated. If said committee shall report in writing that ten of the petitioners are residents and freeholders in said ward, and the common council shall adopt such report, then said petition shall be valid and effectual, although it may afterwards appear that such petitioners or some of them were not such residents and freeholders.

Lay out public squares.

Opening streets and alleys.

SECTION 7. Section 2 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 2. The common council of said city of LaCrosse shall have power with the concurrence of three-fourths of the members elected thereto, to declare by its resolution that it is necessary for the public interest to open a public street or alley, or to take land for any public purpose or purposes authorized by this act, which purpose or purposes shall be stated in such resolution, and such resolution shall contain such description of the whole body or bodies of land to be taken as is required in the case of a petition. No such resolution shall be passed by the common council at the same meeting at which it may be offered, but shall lie over to a future meeting thereof. The yeas and nays shall be taken on the passage of such resolution and duly entered in the journal of proceedings of the council. Upon the passage of any such resolution, proceedings may be thereupon instituted for the condemnation of the lands therein mentioned, as in the case of a petition.

Publication of notice.

SECTION 8. Section 3 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 3. Within sixty days after the adoption of the report of the committee upon such petition and the approval of such bond as is mentioned in section 1 of this chapter, or after the passage of any such resolution as mentioned in section 2 of this chapter, the city clerk shall publish a notice to the owners and occupants of the lands proposed to be taken, which notice shall contain the same description of the whole body or bodies of land as is set forth in the petition or resolution, as the case may be, or in the several petitions and resolutions united in the same proceeding, and the purpose or purposes for which it is proposed to take the same, and shall state that at a certain time and place therein named, which time shall not be less than four weeks after the first publication thereof, application will be made to the county judge of La Crosse county, or to a justice of the peace resident in said city for the appointment of a jury to view the said lands and to determine whether or not it is necessary to take the same for the purpose or purposes in said notice specified, and to appraise the same and assess the damages to the owners thereof. Such notice shall be published in the official paper of said city at least once in each week for four weeks. A copy of such notice shall

be served by the chief of police or policeman of said city upon every actual occupant of any part of such lands, and upon every person owning or claiming to own or have any interest or estate of record in or to said lands, or any part thereof, who shall appear from the verified application mentioned in the next section hereof to be a resident of the city of La Crosse, such service to be made in the manner prescribed by law for the service of a summons in an action in the circuit court; and the sworn return of the officer shall be conclusive evidence of the facts stated therein. As to all owners or occupants of such lands proposed to be taken or of any interest therein or any part thereof, as to all guardians or committees of any such owner or owners, as to all corporations having no officer residing in said city of La Crosse upon whom service can be made, and as to all persons, corporations and officers whatever, who shall appear from said verified application or otherwise to be unknown or non-residents of the city of La Crosse, or whose place of residence shall appear from said application or otherwise to be unknown, said publication in the official paper of said city shall be a sufficient service of such notice upon them and each of them. Personal service, when required, shall in all cases be made at least three days prior to the date of the application fixed in the notice.

What certificate shall contain.

SECTION 9. Section 4 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 4. On or before the time appointed in said notice there shall be filed with the judge or justices named therein, the resolution or resolutions, or the petition or petitions, with the bond or bonds annexed, referred to therein, on which the city clerk shall have endorsed or have annexed thereto his certificate that the same is the original petition and bond or resolution referred to in the notice, including in said certificate a certified statement from the records of the common council of all the proceedings upon the reception, reference, approval and adoption or passage thereof; and the city attorney shall present therewith an application, signed by him, for the appointment of a jury. Such application shall refer by general description to the lands mentioned in the published notice, and shall also describe by some sufficient description each several tract of land the whole or any part of which is proposed to be taken and appropriated. It shall contain with the description of each several tract or parcel the name of the party or parties in pos-

session of, or who own or have or claim to own or have any estate or interest of record in or to the same, and the places of residence of each and all such parties, if known; and if any of such parties are known to be infants, persons of unsound mind, or under guardianship for any cause, or if any such owners or occupants are unknown, or their residence is unknown, or if they are known to be non-residents of the city of La Crosse, such fact shall be stated. Such application shall be verified by the city attorney or some other person who shall make oath that he has investigated and inquired into the matters therein stated or the same may be verified by the several affidavits of two or more persons, each verifying as to any facts or class of facts therein stated which may have been investigated, and inquired into by him. Such verification or verifications shall be sufficient if made substantially in the manner allowed by statute for the verification of a pleading by a party to an action. There shall be attached to such application a plat or plats of the land to be taken, showing as near as may be the several separate tracts the whole or parts of which are proposed to be taken and condemned, and having marked thereon, as near as may be, the whole amount of land in each such several tract, and the amount thereof proposed to be taken. At the time and place named in such notice, such judge or justice shall make a list of twenty-four persons, not interested, having the qualifications of jurors in the circuit court of La Crosse county and residents and freeholders of said city. He shall hear and decide any challenges for cause or favor made to any one, and if such challenge be sustained shall replace the name of the person challenged with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of such magistrate, each party, the city by its representative on the one side, and the owners of the land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the judge or justice, on the other, shall challenge six names, one at a time, alternately, the city beginning. To the twelve jurors remaining, such judge or justice shall issue a precept, requiring them at an hour, on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named. Such precept shall be served by the chief

How to proceed.

of police or a policeman of said city, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in presence of a member of his family. After striking said jury and before adjournment as aforesaid, the judge or justice shall then and there make a further list of persons possessing the qualifications of jurors in such cases, to whom no objections are made by the parties or any of them. If at any time prior to the day named in the precept, the magistrate shall learn from the return of the officer thereto, or otherwise, that any juror or jurors named in the precept will be unable or unwilling to attend, or should be excused by him, he may by indorsement on said precept appoint others in their stead, in all cases taking such substitutes from the persons named in said last mentioned list, and the precept shall be served on the persons so substituted as above provided, at any time before the hour named in the same. If upon the day appointed in said city clerk's notice it should appear that any person, a resident of the city of La Crosse, and not present at such hearing, and entitled to personal service of notice, has not been properly served therewith, whether such person be named in the verified application or not, the judge or justice shall orally adjourn such hearing long enough to allow proper service to be made upon such person. And no further notice of such hearing need be given to any other parties. And if any person so served with notice be a person of unsound mind or an infant having no guardian or committee living in said city, the judge or justice shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall act for such ward; for which purpose also the magistrate may orally adjourn such hearing, and notice may be served upon a guardian so appointed at any time before the actual hearing. Such magistrate, upon application to him therefor may appoint such guardian at any time previous to the day fixed in the notice. It shall not be necessary to appoint as such guardian an attorney at law, and the person so appointed shall be subject to the same rules as to giving security as provided by statute in case of guardians ad litem appointed in the circuit court, such security, when required, to be approved by the county judge or justice.

SECTION 10. Section 5 of chapter 5 of the act to which this act is amendatory, is hereby amended so as

Jurors summoned shall appear at time and place named.

to read as follows: Section 5. The jurors summoned shall appear at the time and place named. If for any reason a full jury be not present, or any be excused by the magistrate, he shall direct other qualified and disinterested persons to be forthwith summoned in their stead, until twelve be obtained. Persons so summoned as talesmen shall be subject to challenges for cause or favor, which shall be heard and decided by the magistrate, and either of the parties, the city by its representative on the one side, and the owners of land or their agents present, or if none be present or they disagree, a disinterested person, appointed by the judges or the justice, on the other, shall have the right to challenge peremptorily three of the persons so summoned as talesmen. The magistrate may adjourn the proceedings from time to time, for such length of time as may be necessary to procure the empaneling of a full jury. When such jury shall have been obtained, the magistrate shall administer to them an oath, that they are freeholders of said city and not interested in the property mentioned in the application, and that they shall well and truly inquire into and determine the necessity of taking the said lands, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Jury shall view the lands to be taken.

SECTION 11. Section 6 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 6. Under the direction of such magistrate, and accompanied by him, the jury shall view the lands to be taken, and shall then sit before him at his office or any other more convenient place to which he shall orally adjourn the proceedings, to hear such competent evidence as shall be produced by any party; and for such purpose such magistrate shall possess the same powers as a court in session, with a jury, and if there be necessity may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by them, in which they shall find whether it be necessary to take such lands, or any part thereof for such purposes, describing in such unanimous verdict the whole body or bodies of land which they find necessary to be taken. If any be found necessary to be taken, the jury shall make a separate verdict or assessment of damages, in which they shall set down the description, as near as may be, of each tract or parcel of land the whole or any part of which is condemned, and the whole amount of damage done to the owner or owners

thereof by taking of the whole or any part thereof, apart from any damage to buildings thereon, without any deduction for benefits of any kinds or nature. If any such tract or parcel of land, taken in whole or in part, be subject to lease, mortgage or other lien, or if there be any estate therein less than a fee, the injury done to the owner or owners thereof respectively, shall be awarded to them by the jury. If there be any building or buildings, standing wholly or in part on the land taken, the jury shall estimate and determine, first, the whole value of the same to the owner aside from the value of the land, and the injury to him in having such building taken from him, and secondly the value of such building to the owner to remove, both of which valuations shall be stated. The fact that any such building belongs to a person or persons other than the owner or owners of the land, if known, and the name of the owner or owners of such building, if known, shall be stated, and the award of damages on account of such building shall be made to the owner or owners thereof, when the land and building belong to different parties. Such verdict or appraisement of damage shall be valid and sufficient if signed by a majority of the members of said jury. Any technical error in such verdict may be immediately corrected, with the assent of the jury. And they shall be thereupon discharged, and their verdict be filed by the magistrate. In case the jury shall disagree as to the necessity of taking the whole or any part of the lands mentioned in the application, the magistrate shall make a list of twenty four jurors, from whom to empanel a jury to pass upon the questions left undecided, and shall proceed therewith in all respects as for the empaneling of the first jury, as hereinbefore directed. If at least seven members of the jury cannot agree upon a verdict or assessment of damages, the magistrate shall in like manner proceed to empanel a new jury, for the purpose of passing upon the question of damages, but it shall not be necessary to serve or publish any new or additional notices of the empaneling of a new jury for either of said purposes. From the time of the publication and service of the notice mentioned in section 3 of this chapter, all persons served with such notice, in the manner therein prescribed, shall be held to have notice of all subsequent proceedings, before such magistrate, in the matters mentioned in said notice to the rendition of a verdict assessing damages,

and to be bound thereby. When the jury have agreed upon their verdict or verdicts, the magistrate may orally adjourn the proceedings to such time, as may be necessary, to reduce the same to form, and to a time when they shall appear before him and sign the same.

Appeal, how taken.

SECTION 12. Section 7 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 7. Within ten days after such verdict, any person owning any interest in any land, or the owner of any building, not the owner of land found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or a part thereof, and if a part thereof, what part; and shall also state the amount which he claims should be awarded him in excess of the amount awarded by the jury. He shall present therewith an undertaking in the sum of five hundred dollars, with two sufficient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and shall pay the magistrate two dollars for making his return, and one dollar for state tax. The fees of the magistrate in the proceeding and the expense of making a copy of such papers and proceedings, for the purpose of said appeal, shall be paid by the city, the cost of such copy not to exceed six cents per folio. Any party, not so appealing shall be forever concluded by such verdict and appraisement. Upon an appeal being taken the magistrate shall transmit to the clerk of the circuit court at least fifteen days prior to the next ensuing term thereof, the notice of appeal and undertaking, and thereto annexed a copy of all the papers and proceedings before him, with his certificate thereof. If more than one appeal be taken, but one copy of the papers and proceedings shall be transmitted to the circuit court with the first notice of appeal and undertaking filed. The magistrate may refer to said copy by endorsement upon any subsequent notices of appeal. Should a change of venue be taken in any of said appeals, the city shall pay the cost of the copy required therefor in the first instance. He shall, after the time for appealing is expired, file with the city clerk, annexed together, all the original papers including the verdicts, with a certificate by him thereof, and that no appeal has been taken from the assessment of damage therein, except as the facts are, which he shall briefly specify; and the clerk shall preserve the same

in his office. The city may, in like manner appeal from any award of damages, by filing notice of appeal and undertaking, in like manner, at any time within ten days after the meeting of the common council held next after the rendition of the verdict.

Notice of appeal, etc.

SECTION 13. Section 8 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 8. Upon filing such notice of appeal, undertaking and copy of the proceedings in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the owner of the land or building as plaintiff, the city as defendant, and be subject to a change of place of trial and appeal to the supreme court. The court shall permit any person or persons interested in the damages mentioned in the notice of appeal to become parties to such appeal upon their petition setting forth the nature and extent of such interest. The appeal shall be tried by a jury unless waived, and costs shall be awarded against the appellant if a more favorable verdict be not obtained; otherwise against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Council may confirm or reject.

SECTION 14. Section 9 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 9. At the first meeting of the common council held next after the filing of the magistrate's return in the office of the city clerk, as prescribed in section 7 of this chapter, said council may confirm or reject the whole or any part of the verdict of condemnation and assessment of damages, and all proceedings shall abate as to the whole or any part rejected, and all the costs of the proceedings, or the proportion thereof which the allowance of damage on the part rejected bears to the aggregate allowance of damages, shall be paid out of the general fund of the city; or said common council may refer the same to a committee to examine and report upon the same at a future meeting, and upon receiving the report of such committee the council may confirm or reject the whole or any part of the verdict and award with like effect as hereinbefore in this section stated. In case any appeal shall have been taken by any person interested in lands or buildings condemned, or upon petition of any such person without appeal, the common council, by a vote of two-thirds of all the members elect thereto in favor thereof, shall have power to increase any award of damages made by the jury, conditioned upon the with-

drawal of the appeal when appeal has been taken; and any award of damages, as fixed by the vote of said council in any such case, shall be substituted for and have like force and effect as the award of the jury originally made.

In case appellant is settled with when no buildings are on the land.

SECTION 15. Section 10 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 10. In case no appeal shall have been taken, or the common council shall have settled with the appellant, as provided in the next preceding section, and there shall be no buildings on the land taken, the common council, after confirmation of the whole or any part of the verdict and assessment of damages, shall, by a resolution, appropriate and set apart in the hands of the city treasurer, a sum of money equal to the whole amount of damages awarded by the jury, or so much thereof as is contained in the portion of said verdict and assessment confirmed by said council, and shall at the same time direct the city clerk to certify to said treasurer forthwith a copy of said assessment of damages, or of so much thereof as said council may have confirmed. The city clerk shall publish in the official paper of said city, for ten days, a notice entitled in the matter of the proceeding of the passage of said resolution, and that the awards of damages therein are ready to be paid by the city treasurer of said city at his office. Said city treasurer shall pay said awards upon demand to the person entitled thereto, taking from each a receipt describing the tract of land, for the whole or part of which such damages are awarded. At any time after said ten days' notice shall have been given by the city clerk in the official paper, the city may enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city to the same extent as streets, alleys and public grounds heretofore opened or laid out. The claimant of such damages shall in all cases furnish an abstract of title showing himself entitled to the same before they shall be paid to him. If in any case there shall be any doubt as to who is entitled to the damages for land taken, the treasurer may require of the claimant a bond to said treasurer, for the use of said city, with good and sufficient sureties, to hold said city harmless from all loss, costs and expenses in case any other person should claim and recover said damages or any part thereof.

SECTION 16. Section 11 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 11. In case no appeal shall have been taken, or the council shall have settled with the appellant as hereinbefore provided, and there shall be any building or buildings upon any portion of the land condemned, the common council, upon confirmation of the whole or any part of the verdict and assessment, but before making the appropriation mentioned in the next preceding section, shall cause a notice to be signed by the city clerk, to be given to the owner and occupant, if any, of any such building, that the owner is required to file with the city clerk, within a time therein to be named, a written notice of election to accept the award of the jury as to such building, and allow the same to be taken with the land appropriated, or of his or their intention to remove such building at the value set thereon by the jury to remove. If the owner be a resident of said city of La Crosse, such notice shall be personally served upon him by the chief of police or a policeman of said city in the same manner provided by law for the service of a circuit court summons. The affidavit of any police officer of said city, that he has attempted to serve said notice personally, and that he has not been able to find any such owner in said city, and that he has been, for any reason, unable to make such service as hereinbefore provided, shall be conclusive evidence of due diligence, and that such owner is a non-resident of said city, and thereupon the city clerk may publish in the official paper of said city a like notice addressed to the owner of such building by name, if known, and if not known, then to all parties interested, requiring him or them to file in his office, within a time therein designated, like notice of election and intention, as hereinbefore required. Such notice shall be published in said official paper once a week for three successive weeks, and the time therein designated shall be not less than thirty days from the date of the first publication of said notice. If the owner shall give or cause to be given within the time prescribed, notice of his intention to remove the building, at the value set thereon by the jury to remove, he shall have such time for that purpose as the common council may allow, and the amount of damages to be paid on account of said building shall thereby become fixed at the amount of the difference between the value of said building

In case appellant is settled with when buildings are on the land.

to the owner, and its value to remove as assessed by the jury or amended by the common council before confirmation. If the owner shall give or cause to be given, within the time prescribed, notice of his refusal to take the building at the value set thereon to remove or fail to give within the time aforesaid any notice at all, the amount of the damage to be paid to the owner on account of said building, shall thereby become fixed at the amount of the value of such building to the owner as assessed by the jury, or amended by the common council. After the final determination of the amount of the damages to be paid on account of any building or buildings as aforesaid, the common council may proceed by resolution to appropriate and set apart in the hands of the city treasurer, a sufficient amount to pay the whole of the damages as directed in the next preceding section; and proceedings shall be taken for the payment of the same in the same manner and with the same effect as in said section prescribed. If any such building which the owner refuses to take at the value set thereon to remove, cannot be sold at private sale for as much or more than the value thereof to the owner as fixed by the jury and confirmed by the council, said common council may direct the chief of police to sell the same at public auction, giving such notice of sale as the common council may direct. A bill of sale of such building, upon such sale executed by said chief of police to the purchaser, shall vest in such purchaser the absolute title and right of possession in and to any such building, and shall entitle such purchaser, his agents or servants, to go and remain on the land on which such building may stand, or on any land adjoining the same, whether public or private, so far as may be necessary for the purpose of removing such building. Such time may be allowed the purchaser for the removal of any such building as the common council may deem just, but such time shall be stated in the notice of sale, when the building is sold at auction. The proceeds of any such sale shall be paid into the treasury and belong to the general fund.

In case appellant is not settled with.

SECTION 17. Section 12 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 12. In case any appeal is taken and the common council shall not settle with the appellant, as provided in section 10 of this chapter, said common council may proceed in all respects according to the circumstances as prescribed in the next two preceding sections, except that it shall not appro-

priate and set apart in the hands of the treasurer the amounts of damages appealed from, nor attempt to remove or dispose of any building, or to enter upon or open for public use, without the consent of the owner, any land which is the subject of any such appeal; but the common council may proceed as aforesaid to fix the amount of damage to be paid on account of all other buildings, and to provide, as aforesaid, for the payment of the same and of damages to all other lands and may open and use the same for the purposes for which they were condemned, without waiting for the determination of such appeal. Upon the final determination of such appeal, if judgment be in favor of the appellant, said judgment shall be paid by the city out of the general fund; and any condemned land which was the subject of such appeal, shall thereby become the property of the city for the purposes for which it was condemned, and any building which was the subject of such appeal, shall become thereby the absolute property of the city, and may be sold by the city, and the proceeds be paid into the general fund, and the purchaser shall have the same right, upon such sale, as mentioned in section 11 of this chapter. If the judgment be in favor of the city for costs, and the amount of such costs equal or exceed the amount of the assessment appealed from; or if the city shall pay or tender or cause to be paid or tendered to the appellant or his legal representative or attorneys in the appeal suit, or deposit for his use in any bank in said city, the amount of the excess of such assessment over such costs, such condemned land or buildings, or both shall thereby become the property of the city to the same extent and for the same purposes as in case of a payment of judgment by the city, as above set forth. If the appeal be from the valuation put by the jury on a building to remove, the appellant shall be held to have elected to remove such building, and judgment, if in his favor, shall be for the difference between the whole value of the building to the owner, assessed by the jury in the original verdict, and the value thereof to remove, as fixed by the court or jury, on trial of the appeal, besides costs, and upon payment of such judgment the common council may require the appellant to remove such building, or in default thereof may cause the same, or so much thereof as stands on the land condemned, to be torn down by the street commissioner, doing no unnecessary damage to the part left standing, and the expense thereof, when certified to and audited by the common council to be

charged as a special tax on adjoining lands of the owner, or the city may sue for and recover such expense from such owner by action at law. If on such last mentioned appeal judgment for costs be given in favor of the city, and the amount of such costs equal or exceed the difference between the two valuations placed upon such building by the original jury, or if the city shall pay or tender, or cause to be paid or tendered, to the appellant or his legal representatives or attorneys in the appeal suit, or deposit for his use in any bank in said city the amount of the excess or such difference between said two valuations over the amount of such costs, the common council may thereafter proceed in reference to said building, in the same manner and with the same effect as upon payment of a judgment against said city upon such appeal. No person shall be allowed to appeal from the valuation placed by the jury upon the building to the owner, and also from the valuation placed thereon to remove, but shall elect which of such two valuations he will appeal from. Not more than one appeal shall be allowed from any award of damages, but any party, claiming an interest adverse to any appellant, may be made a party to the appeal suit in the circuit court, as hereinbefore in this chapter provided.

Money to be appropriated for awards of damages.

SECTION 18. Section 13 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 13. A sufficient amount of money to pay all awards of damages made by the jury and confirmed by the common council, and from which no appeal has been taken shall be appropriated and set apart for that purpose, in the hands of the city treasurer, as provided in sections 10, 11 and 12 of this chapter, within one year from and after confirmation of such award by the common council. In case of appeal and final determination thereof in the circuit or supreme court, with judgment against the city, such judgment shall be paid within six months after the rendering and docketing thereof.

Council may enact an ordinance within one year, etc.

SECTION 19. Section 14 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 14. At any time within one year after the appropriation of money to pay damages, and publication of notice thereof as required in section 10 of this chapter, the common council shall have power to enact an ordinance laying out, changing, widening or extending and opening any street or streets, alley or alleys, lane or lanes, public ground or

grounds, square or squares, or other public place or places, for which the land shall have been condemned, and by suitable penalties in such ordinance provide for and enforce and compel the removal of all fences and buildings or other obstructions therefrom. Any lands or buildings, in reference to which an appeal may be pending at the time of the passage of such ordinance, shall not become subject to the provisions thereof until from and after the settlement and determination of such appeal in the manner hereinbefore provided, unless the common council shall have made an amicable settlement of such appeal before judgment. Upon the passage of such ordinance, the city clerk shall file with the register of deeds such list of lands as is required by chapter 319 of the laws of 1881, including therein the lands in reference to which appeals may be pending, as well as those for which the damages have been appropriated. At any time before causing any lands or buildings to be actually taken, and before the rendition of a judgment in the circuit court, an appeal adverse to the city, the common council may discontinue all proceedings, and the city shall in that event be liable for the costs only.

How expenses, costs, etc., shall be levied.

SECTION 20. Section 15 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 15 For the purpose of payment of the expenses, including all damages and costs of the proceedings incurred for the taking of private property, as herein provided for, the whole or such part thereof, not less than one half, as the common council may determine, shall be levied and assessed as a tax upon such parcels of property as shall be determined to be specially benefited by such improvement, in proportion, as near as may be, to the amount of such special benefit to each parcel, which shall be ascertained and assessed as hereinafter in this section provided. The aggregate amount in each case, the whole or part of which may be levied and assessed as aforesaid, shall consist of the whole amount of damages assessed by the jury, as fixed and confirmed by the common council, including the amount of all awards appealed from, added to the costs of the proceedings; and the words "costs of the proceedings" shall be held to mean and include the fees and compensation of the magistrate and jurors, the cost of their conveyance to and from the lands to be viewed, the fees of printers and officers for publishing and serving notices, abstracts of title, certified by the city attorney to be necessary, and all

other reasonable costs and expenses connected therewith, including any reasonable expenses and compensation of the board of assessment hereinafter mentioned, which the common council may audit and allow. At any time within one year after the confirmation, in whole, or in part, of any verdict and assessment of damages by a jury, the common council may, by resolution, constitute a board of assessment, consisting of the city clerk, assessor and three aldermen. Said board, having first been sworn, and having subscribed an oath in writing, faithfully and impartially to discharge all the duties imposed upon them by this section, and having ascertained approximately the whole amount of damages and costs of proceedings, subject to be levied and assessed as aforesaid, shall, in a body, view the lands taken and condemned, and all other lands, in their judgment benefited by the improvement, and shall thereupon report to the common council, at any meeting thereof, the said approximate amount of damages and costs of proceedings, with their recommendation as to whether the whole or part thereof should be levied and assessed as aforesaid. Upon receiving the report of said board, the common council may, by resolution, passed by affirmative vote of a majority of the members elect thereto, determine that the whole damages and costs of the improvements and proceedings as aforesaid, or any part thereof, not less than half, shall be levied and assessed upon the property specially benefited thereby, and thereupon the said board shall proceed to levy, apportion and assess the whole amount of damages and costs as aforesaid, or such part thereof as the common council may have directed, as aforesaid, upon such lots, parcels and subdivisions of real estate as they shall determine to be specially benefited thereby, including lots, parcels and subdivisions, parts of which have been condemned or taken in the proceeding, as nearly as may be, in proportion to the benefits resulting to each parcel from the improvement, making a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied and assessed thereon, set opposite. Where any one lot or parcel of land has been divided into two or more tracts or parcels, by any street or other improvement mentioned in the proceeding, said board may assess such parcels separately, and may describe and bound the same by the boundary lines of such street or other improvement. Having

made such list, the city clerk shall cause to be published in the official paper of the city of La Crosse, not less than four times, a public notice that such assessment has been made, that the same will be open for review and correction by the board of assessment at the city council chamber for not less than six days after the first publication of such notice, during certain hours, and not less than two hours of each day, and that all persons interested will be heard by said board in objection to such assessment or any part thereof. It shall be sufficient to state in such notice in brief, what such assessment has been made for and in what locality, without giving the amount assessed or the descriptions of lots or parcels of land. Such notice shall be addressed "to whom it may concern." The meetings of said board may be held in the evening between the hours of 7 and 10 P. M., or some of said meetings may be held in the evening and some during the day time, as said board may determine. It shall not be necessary for more than three members of said board to be in attendance at any one of said meetings; less than three shall have power to adjourn from day to day as may be necessary or convenient. Any vacancy occurring in said board from any cause, may be filled by an alderman, to be appointed by the mayor, in writing, at any time when such vacancy occurs. The person so appointed shall take and subscribe an oath in writing, as hereinbefore provided, but it shall not be necessary in such case to give any new notice or to re-commence the assessment proceedings, but the same shall be carried to a conclusion as if no vacancy had occurred. During the time mentioned in such notice, and during ten days thereafter, said board shall have power to review, modify and correct such assessment or any part thereof, in such manner as they shall deem just. Such list and assessment, certified by the members of said board to have been made by them pursuant to the resolution of the common council for their appointment and signed by them, shall remain on file in the office of the city clerk and the same or a copy thereof, certified to by said city clerk, shall be prima facie evidence in all courts and places of the existence and legality of all the proceedings taken in relation to such assessment, down to the date of such filing. The several assessments contained therein shall be and remain a lien and tax upon the property therein described from the time of such filing until paid. The clerk of said city shall enter the same

in the city tax roll next thereafter, to be delivered to the city treasurer, against said several descriptions of property, and the same shall be collected and the collection thereof enforced in the same manner as other special taxes upon real estate are required to be collected and enforced by this act.

Fees of the justice of the peace.

SECTION 21. Section 16 of chapter 5 of the act to which this act is amendatory, is hereby amended so as to read as follows: Section 16. The fees of the justice of the peace shall be as near as may be the same as are allowed to justices by law for services of the same general character, but he shall be entitled to three dollars for attending with a jury to view the premises in addition to other fees. The compensation of the county judge shall be estimated and paid at the rates prescribed by statute for his services in business other than probate. The compensation of the jurors, which shall in all cases be certified by the magistrate to the common council, shall be the same as the compensation of jurors in the circuit court, except that there shall be no allowance for travel. All such fees and compensation, except the magistrate's fees for making return upon appeal to the circuit court as hereinbefore prescribed, shall be audited and paid by the common council and shall be subject to be collected in whole or in part by assessment upon property benefited.

Proceedings binding.

SECTION 22. Section 17 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 17. From the time of the first publication of the notice by the city clerk as required in section 3 of this chapter, all persons whatsoever shall be held and deemed to have notice of the same and of all subsequent proceedings in the matter until the conclusion thereof, including the proceedings for assessment for benefits, and the heirs, personal representatives or assigns of any person owning or claiming any property affected by said notice shall be held to have knowledge of the same and of all subsequent proceedings, and shall be bound thereby. A written or printed copy of said notice may be filed by the clerk in the office of the register of deeds of La Crosse county upon the payment of the same fees, and when so filed shall have the same force and effect as a writ of attachment and sheriff's certificate of attachment of real estate filed in the same office.

Shall have power to add to amount of general taxes.

SECTION 23. Section 18 of chapter 5 of the act to which this act is amendatory, as amended by chapter 71 of the laws of 1878, is hereby amended so as to

read as follows: Section 18. The common council shall have power to add to the amount of the general taxes of said city in any year, in addition to the amount now authorized to be levied for general city purposes, such part of the damages and costs of any such improvement as it shall have been determined should not be assessed as a special tax upon property, with the amount of any judgments and costs in excess of awards, and in addition thereto, may levy such amount as may be deemed necessary to meet similar expenses for similar purposes in the next ensuing year.

Duty of railroad companies when streets are laid out.

SECTION 24. Section 19 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 19. In all cases where any street has heretofore been laid out or extended, or shall hereafter be laid out or extended, to the line of any railroad right of way in said city of La Crosse and on both sides thereof, it shall be the duty of the railroad company owning or operating such railroad to remove its fences from the line of such street on either side of such right of way, and to plank its track at such crossing, and make and keep the same accessable and passable for teams at all times.

May unite one or more petitions.

SECTION 25. Section 20 of chapter 5 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 20. It shall be lawful to unite in one application to the justice or county judge, as hereinbefore provided, one or more petitions, or a petition and a resolution of the common council, or one or more such petitions or resolutions of said council, as mentioned in sections 1 and 2 of this chapter, and in the same proceeding, to appoint one jury to pass upon the necessity of taking the lands proposed, for any number of streets, alleys or other purposes mentioned in all such resolutions and petitions; and to dispose of the whole in one proceeding, including the assessment of damages and benefits. Whenever a jury, so impaneled to consider the question of taking lands for different improvements, in different localities, shall decide against condemning lands for one or more improvements, and in favor of the rest, said jury shall determine and state in their verdict what proportion of the costs of the proceedings theretofore incurred shall be chargeable to the persons petitioning for any improvement, against which the verdict is given. In case of disagreement of the jury, as to any such improvement, the new jury impaneled, to decide thereon, shall in like manner, in case of an adverse verdict, decide the

proportion of the costs to be charged to the petitioners, and such decision shall be conclusive, as well upon the city as upon the petitioners and their sureties.

Repealed.

SECTION 26. Sections 22, 23, 24, 26 and 33 of chapter 5 of the act to which this act is amendatory are hereby repealed.

Amended.

SECTION 27. Section 8 of chapter 6 of the act to which this act is amendatory is hereby amended by striking out the words "for two weeks in one or more papers published in La Crosse," where the same occur in the seventeenth and eighteenth lines thereof, and inserting in lieu thereof the words "for six days in the official paper of the city of La Crosse."

Amended.

SECTION 28. Section 13 of chapter 6 of the act to which this act is amendatory is hereby amended by striking out the word "cents," where the same occurs in the forty-fourth line thereof, and inserting in lieu thereof the words "per cent."

Additional territory.

SECTION 29. The northwest quarter of section twenty, and that portion of lot number two, in section nineteen, which lies north of the east and west quarter line of said section nineteen, all in township sixteen north of range seven west, lying and being in the county of La Crosse, is hereby attached to and made a part of the city of La Crosse, and shall constitute and be a part of the fifth ward of said city.

Tax list, notice to be given.

SECTION 30. Section 16 of chapter 7 of the act to which this act is amendatory is hereby amended by adding to the end thereof the following: On the receipt of such duplicate copy of the tax list, he shall give one week's notice thereof in the official paper of the city. Such notice shall specify that the taxes on personal property must be paid within twenty days from the first publication of said notice, and the taxes and assessments on real estate before the first day of January next ensuing. The publication of such notice shall be deemed a demand, and neglect to pay the taxes and assessments within the time specified shall be deemed a refusal to pay the same.

Collection of taxes, duties of treasurer.

SECTION 31. Section 17 of chapter 7 of the act to which this act is amendatory is hereby amended so as to read as follows: Section 17. On the expiration of the twenty days mentioned in the next preceding section, the city treasurer shall proceed to enforce the collection of the personal taxes in the manner provided by law for the enforcement of the collection of taxes by town treasurers, after posting notices, demand and neglect or refusal to pay the same; and if any such

personal taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from said treasurer and his sureties. Upon any collection made by distress and sale of goods, said treasurer shall collect therefrom the same fees allowed by law to the town treasurers in like cases. In case any taxes on personal property shall remain uncollected, or shall not be in process of collection by distress and sale, on the last Monday in January succeeding the publication of the notice mentioned in the preceeding section, the city treasurer and his successor or successors in office shall have the same rights powers and duties, in reference to the collection thereof as are conferred by the general laws of this state on the county treasurers, in reference to the collection of delinquent personal taxes returned by the town treasurers; and he shall make out and issue therefor, as many general or special schedules and warrants as may be convenient; and any such schedule and warrant may be directed and delivered to the chief of police of the city of La Crosse, and shall be executed by him in the same manner and with the same effect as if directed and delivered to the sheriff of La Crosse county. Any sheriff of any county, receiving such schedule and warrant from the city treasurer, shall execute the same in the manner as required by law in the case of a like warrant delivered to him by the county treasurer.

SECTION 32. Section 3 of chapter 8 of the act to which this act is amendatory, is hereby amended by adding thereto, after the words "in said city," where the same occur in the twenty-third line of said section, the words "whenever furnished with a schedule and warrant therefor by the city treasurer."

SECTION 33. Chapter 10 of the act to which this is amendatory is hereby amended by adding at the end thereof a new and additional section, to read as follows: Section 19. The board of education shall have power and it shall be its duty to make all necessary rules and regulations for securing the health of teachers and scholars in the schools of said city and to prevent the spread of contagious diseases among or by the same; and for this purpose the board shall have power by resolution to require pupils to be vaccinated, or, in default thereof, to be excluded from the schools, and the common council shall have power, upon the recommendation of said board, to appropriate from the general fund of the city such amounts as may be necessary to pay

Board of education shall make all necessary rules.

the expenses of properly vaccinating such pupils or such number of pupils as said board may designate, or said board may appropriate and use any surplus in the school fund for the same purpose.

SECTION 34. Section 7 of chapter 11 of the act to which this act is amendatory is hereby amended by striking out all thereof after the words "section 7" down to and including the word "discharge," where the same occurs in the fifth line of said section, and inserting in lieu thereof the following: "The justice's fees, the fees of officers witnesses and jurors, and costs of board and confinement of prisoners in all cases arising under this act may be audited and allowed by the common council when the same cannot be collected of the defendant before his discharge."

Removal of nuisances.

SECTION 35. Whenever any nuisance which, in the opinion of the board of health, or any member thereof, or of the chief of police or of any of his subordinates, acting as health officers, or nuisance inspectors, affects or endangers the public health, shall be found on private property or in any street or alley adjoining the same, the owner or occupant of such property, if to be found, may be served with a written notice by any of the officers aforesaid, requiring the removal or abatement of such nuisance within a time in such notice to be named; or such notice may, in lieu of personal service, be posted on the premises upon or adjoining which said nuisance exists. If such nuisance be not removed or abated within the time mentioned in such notice, the chief of police, under the direction of the chairman of the board of health, shall and may cause such nuisance to be forthwith removed or abated and report the expense of the same to the common council. Such report shall be accompanied by a copy of the notice posted or served, and the affidavit of the person or officer as to the service or posting of the same; it shall contain a description of the lot or part of lot to which the expense is chargeable, and shall be certified to be correct by the chairman of the board of health. The common council shall cause such expense to be audited, and paid out of the general fund, and shall direct the clerk of said city to charge such expense to the lot or premises on or adjoining which the same shall have been incurred; and the amount of such expense shall be inserted in the tax list next to be made out, as a special tax against such lot or premises, and shall be collected as other taxes on real estate are collected by virtue of the charter of said city.

SECTION 36. The common council shall have power to provide, by general or special regulations, for the time and manner of advertising for bids for doing any work to be let by said city, or any department or officer thereof, or committee of said common council, and requiring bonds or deposits of money to accompany such bids, and prescribing the conditions of such bonds or deposits; and all such deposits made, and all such bonds executed and delivered pursuant to any order or direction of said common council, whether general or special, and any and all conditions inserted therein, shall have the same force, validity and effect as if such bonds were executed and such deposits made, pursuant to general law. **Advertising for bids.**

SECTION 37. The common council of said city of La Crosse shall have power, from time to time, to require any officer, elected or appointed pursuant to the charter of said city or any act amendatory thereof, to furnish reports, information or estimates, and to perform other and further duties than are prescribed in said charter or amendments thereto, if the council shall deem that the interests of said city so require; and said common council shall also have power, with the affirmative vote of two-thirds of the members elect thereto, to employ and pay out of the general fund, for a specified time or for any specified purpose or purposes, an as istant or assistants for any officer of said city, anything in the act to which this act is amendatory, or in any other act to the contrary notwithstanding. **Officers to furnish reports.**

SECTION 38. Section 14 of chapter 183 of the laws of 1881 is hereby amended so as to read as follows; Section 14. Whenever any indebtedness of the said city of LaCrosse, heretofore or hereafter lawfully incurred, of whatever kind or nature, and whether the same be evidenced by bond or by certificates of indebtedness, issued to the commissioners of public lands, shall become due and payable, or in anticipation thereof, the common council may borrow, upon the credit of said city, such sum or sums of money, as may from time to time be necessary or sufficient to pay and cancel the amount of such indebtedness, bonds or certificates, or any part or installment thereof, due or about to become due, and to issue bonds therefor. Such bonds shall be of such denominations as the common council may direct, shall be signed by the mayor and countersigned by the clerk, with the seal of the corporation attached, they shall be payable, principal and interest, at the city treasurer's **Common council may borrow money to pay lawful indebtedness.**

office in the said city of La Crosse; the interest shall be payable semi-annually upon coupons in the usual form, and the principal shall be payable in such time as the common council may direct, not exceeding thirty years. No such bond shall bear interest at a higher rate than seven per cent. per annum, or be disposed of for less than par; nor shall the amount of the issue of any such bonds, at any one time, ever exceed the amount of the principal of the indebtedness or installment or indebtedness due or becoming due, and to pay which the same are issued. The provisions of this section shall be applicable to the installment of the indebtedness due from said city to the trust funds of the state, pursuant to chapter 46 of the laws of 1878, falling due February 15, 1882; and said common council may borrow, as provided herein, an amount of money equal to the amount of said installment of the principal of indebtedness to the trust funds, notwithstanding said installment has already been included in the apportionment of state tax to said city and extended upon the tax roll. And the common council shall have authority, whenever any future installment of said indebtedness shall be certified to the city clerk, to cause the same to be omitted from the tax roll, and to make provisions for the payment of the same in the manner provided by this section, anything in said chapter 46 of the laws of 1878 to the contrary notwithstanding.

May appropriate money to ferries.

SECTION 39. The common council of said city shall have power to appropriate and pay out of the general fund of said city such sum or sums of money, not exceeding in the whole sum of two thousand five hundred dollars, in any one year, to any ferry or ferries terminating in said city, in consideration of reduction of rates of ferriage.

Rates of toll.

SECTION 40. The common council of said city shall have power to prescribe rates of toll, to be paid by or for foot passengers, vehicles or animals passing over any bridge whatever, built or owned by said city, appoint all needed officers and agents for the collection of the same, and to enforce the collection thereof, and for the purpose of enforcing such collection and of protecting bridges and punishing and preventing offences thereon the jurisdiction of said city shall extend, and all laws of this state and ordinances, resolutions and by-laws of said city shall be in force on all parts of any bridge having a terminus in said city, between the banks of the stream or river crossed thereby, and all parts of

the Mississippi river and on both sides of the channel thereof, opposite the said city of La Crosse.

SECTION 41. The common council of said city of La Crosse shall have power from time to time to borrow such sum or sums of money, not exceeding the sum of ten thousand dollars in any one year, as said common council may deem necessary, to be used by or under the direction of said common council, in putting in sewers or water works in said city, and to issue bonds of the city therefor, payable not more than thirty years after date and bearing not more than seven per cent. interest per annum, such bonds to be signed by the mayor and countersigned by the clerk, with the seal of the city attached; provided, the power herein given shall be exercised subject to the limitation of municipal indebtedness prescribed by the constitution. May borrow money for sewers, etc.

SECTION 42. It shall be lawful for the common council of said city to accept by gift or bequest from any person or persons any sum or sums of money held by the city as a loan perpetually or for such length of time as the common council may prescribe in accepting the same, at a rate of interest not exceeding three per cent per annum, payable annually, for the benefit of the Oak Grove cemetery association of said city. Upon acceptance of any such loan the same shall go into and become part of the general fund of said city, and the annual interest thereon shall be paid to the treasurer of said cemetery association, and the principal sum shall be paid to the person or corporation directed by the donor at the time fixed by the council as aforesaid. Loans.

SECTION 43. The city of La Crosse is authorized and empowered to transfer and convey any land which it has acquired or may acquire, to the state of Wisconsin, or to the United States, without compensation, if in the opinion of the common council the interests of the city will be promoted thereby; provided that such land shall be used for the purpose of erecting thereon public buildings or for any other public use. Transfer of land.

SECTION 44. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1882.

[No. 72, S.] [Published March 27, 1882.]

CHAPTER 174.

AN ACT to authorize P. B. Jewell to maintain a ferry across Lake St. Croix at Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lake St. Croix ferry.

SECTION 1. P. B. Jewell, his heirs, associates and assigns, are hereby granted the right exclusive to keep and maintain for the term of ten years from the fifth day of March, A. D. 1882, a ferry across Lake St. Croix at any and all points between the West Wisconsin railway bridge across Lake St. Croix at Hudson, in St. Croix county, and the north line of township twenty-nine in said county, and South Stillwater and the city of Stillwater, Washington county, in the state of Minnesota.

SECTION 2. There shall be kept for use upon said ferry, proper boat or boats, and said Jewell, his heirs, associates and assigns, shall at all reasonable hours provide good and sufficient means for ferriage for passengers, teams and merchandise, except when it shall be dangerous from the state of the weather on said lake so to do.

Fees for ferriage.

SECTION 3. The said P. B. Jewell, his heirs, associates and assigns, shall be entitled to demand and receive payments for ferriage each way upon said ferry, according to the following rates, to-wit: for each foot passenger, ten cents; for each team of two horses, mules or oxen, loaded or unloaded, with or without a driver, seventy five cents if with a vehicle, and fifty cents if without a vehicle; for each single ox, horse or mule with a vehicle, with or without a driver, fifty cents; for each ox, mule, ass or horse, without a vehicle, twenty-five cents; for cattle, single, fifteen cents each; for ten or more cattle, twelve cents each; for each single sheep or other animal not above specified, five cents; provided, that the board of supervisors of St. Croix county shall have authority to regulate or reduce said rates whenever they deem proper.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1882.

[No. 66, S.] [Published April 7, 1882.]

CHAPTER 175.

AN ACT to regulate commitments to, and discharges from, industrial schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commitment of children.

SECTION 1. In all cases of commitments hereafter made by any magistrate, judge or court to any industrial school within this state, the sentence and order therefor shall be that the child sentenced shall be received and kept at the school therein to be named, until he or she shall be thence discharged or transferred to some other industrial school according to law, and all sentences and orders for commitment of children to such schools, whether in form as above prescribed or otherwise, shall be construed and understood to mean that said children shall be kept therein until so discharged or transferred.

Conditions upon which inmates may be released.

SECTION 2. The managers of any industrial school within this state, are hereby authorized and empowered to release or discharge therefrom any inmate at such times and upon such terms and conditions as to them shall seem to be most for the future benefit and advantage of such inmate; provided, that after the first day of May, 1882, no person shall be detained in any such school, against his or her will after such person shall have reached the age of eighteen years, except girls who shall have been convicted and sentenced to such industrial school for an offense against chastity; and such may be detained in the discretion of the managers until they are twenty years of age.

Return of inmates.

SECTION 3. Any person who shall have been conditionally released from any industrial school in this state may be returned thereto by any person upon the request, order or consent of the managers thereof, and shall be kept and detained therein upon the original sentence and order of commitment, in the same manner as though there had been no release in the case.

SECTION 4. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1882.

[No. 104, A.] [Published April 1, 1882.]

CHAPTER 176.

AN ACT to amend the thirty-second sub-division of section seven hundred and thirty-one of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sheriff's fees.

SECTION 1. Subdivision 32 of section 731, of the revised statutes, is hereby amended so as to read as follows: Attending any court of record with a prisoner, one dollar and fifty cents per day, besides actual and necessary expenses. Attending any municipal, police or justice court, as officer with a prisoner, seventy five cents for each half day besides actual and necessary expenses.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 22, 1882.

[No. 212, S.] [Published March 27, 1882.]

CHAPTER 177.

AN ACT to amend chapter 19 of the revised statutes, in relation to the superintendent of public property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Report to be made annually.

SECTION 1. The superintendent of public property shall, in addition to the duties now imposed on him by law, annually, on the thirty-first day of December in each year, make report to the governor, of all the affairs pertaining to his office, which report shall embrace in separate items the following:

Inventory to be made.

1. An inventory, together with the value thereof, of all stationery and other articles of personal property belonging to the state, and in his hands at the close of the preceding year.

2. An inventory of all stationery and other articles of personal property and the cost thereof purchased by him for the state during the year.

3. The whole amount of such stationery and property coming into his hands during the year.

4. The amounts, in separate items, furnished to the several state officers, the courts, the legislature and the several state institutions, during the year.

5. The total amount so furnished and distributed.

6. The balance on hand at the close of the year and an inventory thereof.

SECTION 2. The said superintendent shall also make and file in the office of the secretary of state a duplicate of said report, and such secretary of state shall cause the same or a summary to be published in connection with the annual report of his office. Shall make duplicate report.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1882.

[No. 113, S.] [Published March 27, 1882.]

CHAPTER 178.

AN ACT for the appointment of registers in probate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county judge of the county of Outagamie shall appoint, from time to time, subject to removal, a competent person to record the proceedings of the county court of Outagamie county, and the person so appointed shall be officially styled and known as "register in probate." Such register in probate shall, before entering upon the duties of the office, take and subscribe the constitutional oath of office, and file the same, duly certified, in the office of the clerk of the circuit court for the county of Outagamie, and shall execute to the county of Outagamie a bond in the sum of one thousand dollars, with two or more sureties to be approved by the said county judge, conditioned for the faithful performance of the duties required by law to be performed by such register in probate; which bond, with approval indorsed thereon, shall be recorded in the office of register of deeds of the county of Outagamie. Register in probate in Outagamie.

SECTION 2. It shall be the duty of such register in probate to record all wills admitted to probate by the county court of the county of Outagamie, all letters testamentary, letters of administration, letters of guardianship, bonds of guardians, orders, judgments, and decrees granted or made by said county court, and all other proceedings and matters required by law to be recorded in said county court, and any oath or affidavit required or authorized by law in proceedings in the county court for the county of Outagamie may be taken before such register. May be taken before a register.

SECTION 3. The appointment of any such register in probate may at any time, in the discretion of the Appointment may be annulled.

said county judge, be revoked and annulled by said county judge, and whenever, for or from any cause, a vacancy shall exist in said office of register in probate, such vacancy may be filled by appointment by said county judge.

Salary. SECTION 4. Such register in probate shall receive the annual salary of six hundred dollars, which shall be paid by the county of Outagamie, and the county treasurer of the county of Outagamie shall pay the same quarter-yearly, and the same shall be in full compensation for the performance of the duties of such register in probate.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1882.

[No. 150, S.] [Published April 1, 1882.]

CHAPTER 179.

AN ACT fixing the terms of the circuit court for Marathon county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court. SECTION 1. The terms of the circuit court for Marathon county shall hereafter be held on the second Tuesday in April and the second Tuesday in October of each year.

SECTION 2. All acts or parts of acts conflicting with the provisions this act are hereby repealed so far as they conflict with the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1882.

[No 144, S.] [Published March 11, 1882.]

CHAPTER 180.

AN ACT relating to judgments in vacation, and amendatory of section 1, chapter 140, laws of 1881, entitled an act relating to circuit courts, special terms, filing of decisions and trials in vacation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judgment in vacation. SECTION 1. Section 1 of chapter 140 of the laws of 1881, entitled an act relating to circuit courts, special terms, filing of decisions and trials in vacation, is hereby amended by adding thereto at the end thereof

the following: Nothing in this act contained shall be construed as authorizing the presiding judge in vacation to sign any judgment or order for judgment on the foreclosure of a mortgage or contract for the sale of land or judgments for divorce, except in cases where the application for judgment has been made at a general or special term of the court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1882.

[No. 163, S.] [Published April 10, 1882.]

CHAPTER 181.

AN ACT to amend section 2 of chapter 184, laws of Wisconsin for the year 1880, entitled an act to authorize D. P. Simons to construct and maintain a dam across and otherwise improve Butternut Creek, in Price county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 184, general laws of 1880, is hereby amended by adding to the end of said section the following: Provided, however, that said D. P. Simons, his associates and assigns, shall build and maintain a fishway in said dam of sufficient size and constructed in such manner as to allow the free and unobstructed passage of fish through or over said dam, said fishway to be kept open and in repair during the existence of said dam, as authorized by the requirements of this charter. **May construct a dam.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1882.

[No. 103, S.] [Published April 14, 1882.]

CHAPTER 182.

AN ACT to authorize John E. Glover, Isaac H. Wing, and William H. Phipps, their heirs or assigns, to erect, maintain and keep up a dam across the Totogaticanse river in Bayfield county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John E. Glover, Isaac H. Wing and William H. Phipps, their heirs or assigns, are hereby authorized to erect, maintain and keep up a dam across **May erect a dam.**

the Totogaticanse river on section eight (8), in township forty-three (43) north of range nine (9) west, in Bayfield county, Wisconsin; provided, that such dam shall not raise the water to exceed twelve feet; provided further, and the right to maintain said dam if now erected or to erect and maintain the same is upon the express conditions that the parties hereinbefore named, their heirs and assigns, now own or shall acquire by purchase or lease the land upon which said dam is, or is to be erected and maintained.

Shall build slides.

SECTION 2. The aforesaid Glover, Wing and Phipps their heirs or assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is at a driving stage, and there are logs, timber or lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the said dam, for which purpose flood gates shall be kept in repair, and built in such manner as to be shut or open, as the case may require, to flood the said logs, timber or lumber.

Term of years.

SECTION 3. The aforesaid persons, their heirs or assigns, shall enjoy the privileges granted in this act for the period of fi teen years.

Fees, etc.

SECTION 4. When the aforesaid persons, their heirs or assigns, shall have completed said dam as aforesaid, they are hereby authorized and empowered to demand, receive and collect from the owners of all logs, timber and lumber passing over such slides, or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam, the sum of six cents per thousand feet, board measure, the amount to be ascertained by scale upon the landing in the woods, if there be one; if not, in any other practical way; and the aforesaid persons, their heirs or assigns, shall have a lien on all logs, timber and lumber run over said dam or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs, except as to the time of filing the petition for said lien, which may, under the provisions of this act, be filed at any time within six months after the last of the logs of any mark shall have passed over said slides or been driven by the aid of said dam; provided, that said Glover, Wing and Phipps shall at all times comply with the provisions of section 2 of this act and section 3377 of the revised statutes of 1878.

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the said Glover, Wing and Phipps, their heirs or assigns, and be under their exclusive control, subject always to the provisions of section 2 of this act.

SECTION 6. This act shall take effect from and after its passage.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

ERNST G. TIMME,
March 23, 1882. Secretary of State.

[No. 104, S.] [Published April 7, 1882.]

CHAPTER 183.

AN ACT to authorize John E. Glover, Isaac H. Wing and Wm. H. Phipps, their heirs or assigns, to erect, maintain and keep up a dam across the Totogaticanse river, in Douglas county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John E. Glover, Isaac H. Wing and Wm. H. Phipps, their heirs or assigns, are hereby authorized to erect, maintain and keep up a dam across the Totogaticanse river, on section one (1), in township forty-three (43) north, of range ten (10), west, in Douglas county, Wisconsin; provided, that such dam shall not raise the water to exceed twelve (12) feet. Provided further, and the right to maintain said dam, if now erected, or to erect and maintain the same, is upon the express condition that the parties herein above named, their heirs or assigns, now own or shall acquire by purchase or lease the land upon which said dam is, or is to be erected and maintained. May maint. in a dam.

SECTION 2. The aforesaid Glover, Wing and Phipps, their heirs or assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is at a driving stage and there are logs, timber or lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the said dam, for which purpose flood-gates shall be kept in repair, Slides in dam.

and built in such manner, as to be shut or open, as the case may require, to flood the said logs, timber or lumber.

Term.

SECTION 3. The aforsaid persons, their heirs or assigns, shall enjoy the privileges granted in this act for the period of fifteen years.

Fees.

SECTION 4. When the aforesaid persons, their heirs or assigns, shall have completed said dam as aforesaid, they are hereby authorized and empowered to demand, receive and collect from the owners of all logs, timber and lumber passing over such slides, or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam, the sum of six cents per thousand feet, board measure, the amount to be ascertained by scale upon the landing in the woods, if there be one; if not, in any other practicable way; and the aforesaid persons, their heirs or assigns, shall have a lien on all logs, timber and lumber run over said dam or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs, except as to the time for filing the petition for said lien, which may, under the provisions of this act, be filed at any time within six months after the last of the logs of any mark shall have passed over said slides or been driven by the aid of said dam; provided, that said Glover, Wing & Phipps shall at all times comply with the provisions of section 2 of this act, and section 3377 of the revised statutes of 1878.

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the said Glover, Wing and Phipps, their heirs or assigns, and be under their exclusive control, subject always to the provisions of section 2 of this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

ERNST G. TIMME,
Secretary of State.

March 23, 1882.

[No. 105, S.] [Published April 7, 1882.]

CHAPTER 184.

AN ACT to authorize John E. Glover, Isaac H. Wing and Wm. H. Phipps, their heirs or assigns, to erect, maintain and keep up a dam across the Totogaticanse river, in Bayfield county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May maintain a dam.

SECTION 1. John E. Glover, Isaac H. Wing and Wm. H. Phipps, their heirs or assigns, are hereby authorized to erect, maintain and keep up a dam across the Totogaticanse river, on section six (6), in township forty-three (43) north, of range nine (9) west, in Bayfield county, Wisconsin: provided, that such dam shall not raise the water to exceed twelve (12) feet: provided, further, and the right to maintain said dam, if now erected, or to erect and maintain the same, is upon the express condition that the parties hereinbefore named, their heirs or assigns, now own or shall acquire, by purchase or lease, the land upon which said dam is, or is to be erected and maintained.

Slides in dam.

SECTION 2. The aforesaid Glover, Wing and Phipps, their heirs or assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is at a driving stage, and there are logs, timber and lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the said dam, for which purpose flood gates shall be kept in repair, and built in such manner as to be shut or open, as the case may require, to flood the said logs, timber or lumber.

Term.

SECTION 3. The aforesaid persons, their heirs or assigns, shall enjoy the privileges granted in this act for the period of fifteen (15) years.

Fees.

SECTION 4. When the aforesaid persons, their heirs or assigns, shall have completed said dam as aforesaid, they are hereby authorized and empowered to demand receive and collect from the owner of all logs, timber or lumber passed over such slides, or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam, the sum of six (6) cents per thousand feet, board measure, the amount to be ascertained by scale upon the landing in the woods, if there be one; if not, in any other practicable way; and the aforesaid persons, their heirs or assigns, shall have a

lien upon all logs, timber and lumber run over said dam or driven by aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs, except as to the time for filing the petition for said lien, which may, under the provisions of this act, be filed at any time within six months after the last of the logs of any mark shall have passed over said slides or been driven by the aid of said dam; provided, that said Glover, Wing and Phipps shall at all times comply with the provisions of section 2 of this act and section 3377 of the revised statutes of 1878.

SECTION 5. The control of said dam, the slides and gates, shall belong to the said Glover, Wing and Phipps, their heirs or assigns, and be under their exclusive control, subject always to the provisions of section 2 of this act.

SECTION 6. This act shall take effect from and after its passage.

NOTE BY THE SECRETARY OF STATE:—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

March 23, 1882.

ERNST G. TIMME,
Secretary of State.

[No. 101, S.] [Published April 7, 1882.]

CHAPTER 185.

AN ACT to authorize John E. Glover, Isaac H. Wing and Wm. H. Phipps, their heirs or assigns, to erect, maintain and keep up a dam across the Totogaticanse river, in Douglas county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May maintain a dam.

SECTION 1. John E. Glover, Isaac H. Wing, and Wm. H. Phipps, their heirs or assigns, are hereby authorized to erect, maintain and keep up a dam across the Totogaticanse river on section eleven (11) in township forty-three (43) north, of range ten (10) west, in Douglas county, Wisconsin; provided that such dam shall not raise the water to exceed twelve (12) feet; provided further, and the right to maintain said dam, or to erect and maintain the same is upon the express condition that the parties hereinabove named, their

heirs or assigns, now own or shall acquire by purchase or lease the land upon which said dam is, or is to be erected and maintained.

SECTION 2. The aforesaid Glover, Wing and Phipps, their heirs or assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is at a driving stage, and there are logs, timber or lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below the said dam, for which purpose flood gates shall be kept in repair, and built in such manner as to be shut or open as the case may require, to flood the said logs, timber or lumber. Slides in dam.

SECTION 3. The aforesaid persons, their heirs or assigns, shall enjoy the privileges granted in this act for the period of fifteen (15) years. Term.

SECTION 4. When the aforesaid persons, their heirs or assigns, shall have completed said dam as aforesaid, they are hereby authorized and empowered to demand, receive and collect from the owners of all logs, timber and lumber passing over such slides, or driven by the aid of said dam, as a compensation for keeping up and maintaining such dam, the sum of six (6) cents per thousand feet, board measure, the amount to be ascertained by scale upon the landing in the woods, if there be one; if not, in any other practicable way; and the aforesaid persons, their heirs or assigns, shall have a lien on all logs, timber and lumber run over said dam or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner as the lien of laborers on logs, except as to the time for filing the petition for said lien, which may, under the provisions of this act, be filed at any time within six months after the last of the logs of any mark shall have passed over said slides or been driven by the aid of said dam; provided, that said Glover, Wing and Phipps shall at any time comply with the provisions of section 2 of this act, and section 3377, revised statutes of 1878. Fees.

SECTION 5. The control of said dam, the slides and gates of the same, shall belong to the said Glover, Wing and Phipps, their heirs or assigns, and be under their exclusive control, subject always to the provisions of this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

NOTE BY THE SECRETARY OF STATE.—The forego-

ing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

ERNST G. TIMME,
Secretary of State.

March 23, 1882.

[No. 252, A.] [Published April 1, 1882.]

CHAPTER 186.

AN ACT to authorize Christian Weber, his heirs and assigns, to erect and maintain a dam for manufacturing and hydraulic purposes on the Big Eau Pleine river in Marathon county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dam on Big Eau Pleine river.

SECTION 1. Christian Weber, his heirs and assigns, are hereby authorized to erect and maintain a dam, not exceeding eight feet in height, on Big Eau Pleine river, in Marathon county, on the northwest quarter of the southeast quarter of section thirteen, in township number twenty-seven north, of range three east, (being on land owned by them.) for manufacturing and hydraulic purposes; provided that the same shall be subject to the existing laws regarding the flowage of lands.

SECTION 2. The said Christian Weber, his heirs and assigns, shall build and maintain suitable gates and sluice ways for the passage of logs and timber down said river.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 134, A.] [Published April 10, 1882.]

CHAPTER 187.

AN ACT to declare the true reading and construction of section 1931 of the revised statutes, as amended by chapter 48 of the laws of 1881.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

True reading and construction of statutes.

SECTION 1. Section 1931, of the revised statutes as amended by chapter 134 of the laws of 1880, and chapter 48 of the laws of 1881, is hereby amended so that it shall read as follows: Section 1931. No such corporation shall insure any property

out of the town or towns in which said corporation is located; provided, that any such corporation at its annual meeting may, by a majority vote of the members present, authorize its directors to insure any farm property or detached dwelling houses and contents in any adjoining town or towns, or in any incorporated city or village, which is located in an adjoining town in which such town insurance corporation is located; provided, such farm property or dwelling and contents shall be detached at least one hundred feet from exposure. No such corporation shall insure any property other than detached dwellings and their contents, farm buildings and their contents, live stock on the premises or running at large, farm products in the stack or bin, and farming implements; but such corporation, at its annual meeting, may, by a majority of all the votes entitled to be cast by its members, authorize its directors to insure country stores and their contents, school houses, churches, town and society halls, country hotels and water mills, but such risks shall not exceed fifteen hundred dollars in any one case.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 89, S.] [Published April 1, 1882.]

CHAPTER 188.

AN ACT to amend section 1110 of the revised statutes of 1878, relating to the collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1110 of the revised statutes of 1878 is hereby amended by striking out the word "third" where it occurs in the seventh line of said section, and insert in lieu thereof the word "last," so that said section when amended shall read as follows: Section 1110. The town treasurer shall retain in his hands the amount specified in his warrant to be paid into the town treasury, together with his fees, and shall, on or before the day specified in his warrant for paying the money therein directed to be paid to the county treasurer, pay to him the sum so directed to be paid in the manner provided by law; and the town treasurer shall pay over the full amount of state tax on or before the last Monday of January of each year, Amended.

though it may occasion a deficiency in the town taxes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 41, S.] [Published April 1, 1882.]

CHAPTER 189.

AN ACT to amend section 4398 of the revised statutes, relating to offenses against lives and persons of individuals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Offenses against lives and individuals.

SECTION 1. Section 4398 of the revised statutes is hereby amended by adding at the end thereof the following: The provisions of this section shall not be applicable to any city or village which has enacted an ordinance under its charter for the punishment of the same or similar offense.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 60, S.] [Published April 1, 1882.]

CHAPTER 190.

AN ACT to amend section 3180 of chapter 137 of the revised statutes, of Wisconsin of 1878, entitled "of actions for private nuisance."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Actions for private nuisance.

SECTION 1. Section 3180, chapter 137 of the revised statutes of Wisconsin, A. D. 1878, is amended to be and read as follows: Section 3180. The circuit courts shall have jurisdiction of actions to recover damages for and to abate private nuisance, or a public nuisance from which any person suffers a private or special injury peculiar to himself, so far as necessary to protect the rights of such person, and to grant injunctions to prevent the same; and in case such nuisance may work an irreparable injury, interminable litigation, or a multiplicity of actions, or either, or when the injury is continuous and constantly recurring, or when there is not an adequate remedy at law, or when the injury is not susceptible of adequate compensation in damages at law, then an action in equity may be brought and maintained and an injunction may be

issued therein, and equitable action may be brought before the nuisance or right is established in an action at law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 91, S.] [Published April 1, 1882.]

CHAPTER 191.

AN ACT to amend section 120 of chapter 2, revised statutes of 1878, relating to stereotype plates of the Wisconsin Blue Book.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 120 of chapter 2 of the revised statutes of 1878 is hereby amended to read as follows: Section 120. The secretary of state shall, if he deem it necessary, procure for the state new stereotype plates of the matter embraced in the constitution of the United States, the constitution of Wisconsin, "Jefferson's Manual, the rules and orders of the senate and assembly the joint rules of the senate and assembly, with a proper index to each, lists of state and territorial officers and members of the state and territorial legislature, or either of them; which plates shall be kept and preserved by the secretary of state and be used by the state printer under his direction in publishing the Blue Book. The state printer shall receive no pay for the composition of any matter embraced in such plates, except for their manufacture, and he shall be answerable to the state for any loss or damage not occurring by reasonable use, which shall happen to them while in his possession for such purpose. Stereotype plates for blue book.

SECTION 2. There is hereby appropriated out of any money in the state treasury not otherwise appropriated a sum of money sufficient to carry out the provisions of this act. Appropriation.

SECTION 3. This act shall take effect and be in force from and after after its passage and publication.

Approved March 23, 1882.

[No. 116, S.] [Published March 28, 1883.]

CHAPTER 192.

AN ACT to change the time of holding the annual meeting of the members of the Northwestern Mutual Life Insurance Company for the election of trustees and officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time of annual meeting changed.

SECTION 1. The annual meeting of the members of the Northwestern Mutual Life Insurance company, to be held in the year 1883, for the purpose of electing trustees and officers thereof, shall be held on the third Wednesday of July, 1883, and such annual meeting shall thereafter be held on the third Wednesday of July in each year; and the trustees elected at each annual election hereafter held, shall hold their respective offices for four years unless sooner removed according to law, except such as may be elected to fill vacancies, who shall hold their respective offices until the expiration of the term of office of the class of trustees to which they may respectively belong. The trustees now in office shall hold their respective offices until the day of the annual election at which their successors are to be elected, pursuant to this section, and the present officers shall hold their respective offices until the annual meeting to be held on the third Wednesday of July, A. D. 1883, unless sooner removed according to law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1883.

[No 124 S.] [Published April 8, 1883].

CHAPTER 193.

AN ACT to amend chapter 84 of the revised statutes, relating to the inspection and measurement of logs, timber and lumber, as amended by chapter 225 of the laws of 1881.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Measurement of logs.

SECTION 1. Section 1730 of chapter 84 of the revised statutes, as amended by section 1 of chapter 225 of the laws of 1881, is hereby amended by striking out all that portion of said section relating to the tenth lumber district after the word "tributaries," and inserting in place thereof the words "Marathon county, number ten," by adding to said section the following: "The Wisconsin river and its tributaries north of the

north line of Marathon county, number fourteen, so that the section as amended shall read as follows: Section 1730. For the purpose of inspecting and regulating the measurement of logs, timber and lumber, lumber districts are established and shall be designated by the following numbers respectively: The Wisconsin river and its tributaries south of the south boundary of the county of Marathon, number one. The Black river and its tributaries, number two. So much of the Chippewa river and its tributaries, except the Eau Claire river as lies above the village of Durand, and south of the north boundary of the county of Eau Claire, number three. The St. Croix river and its tributaries, number four. Green Bay and its tributaries, except Lake Winnebago and its tributaries, number five. So much of the Chippewa river as lies north of the north boundary of the county of Eau Claire, and south of the south boundary of the county of Ashland, and the tributaries thereof emptying into the same within said limits, except such portion thereof as lies within the counties of Bayfield and Ashland and townships thirty-nine and forty of range one east, number six. The Eau Claire river and its tributaries, number seven. The Red Cedar river and its tributaries within the county of Barron, number eight. The Chippewa river below the village of Durand, and the Beef Slough from the Chippewa to the Mississippi river, and the Mississippi river from the mouth of Beef Slough to the mouth of the Trempealeau river, number nine. The Wisconsin and its tributaries in Marathon county, number ten. Ashland and Bayfield counties, and townships thirty-nine and forty of range one east, number eleven. The Wolf river and its tributaries and the Fox river above Lake Winnebago, number twelve. The Saint Louis river, Nemaji river and all other streams in Douglas county, number thirteen. The Wisconsin river and its tributaries north of the north line of Marathon county, number fourteen.

Inspection districts.

SECTION 2. Section 1733 of chapter 84 of the revised statutes, as amended by section 2 of chapter 225 of the laws of 1881, is hereby amended by adding thereto the following: Of district number fourteen at Merrill, in Lincoln county. Nothing in this act shall be construed so as to interfere with the scaling and counting of logs, timber or ties within the limits of Lincoln county by the inspector of district number ten (10), or his deputies; and the inspector of district

number ten (10) shall be responsible for the acts of his deputies the same as now provided by law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 131, S.] [Published April 7, 1882.]

CHAPTER 194.

AN ACT to amend section 4096, of chapter 176, revised statutes entitled "of evidence."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4096 of the revised statutes of 1878 is hereby amended by inserting after the word "party," in the third line of said section, the words "or in case a corporation be a party, the examination of the president, secretary, other principal officer or managing agent of such corporation," so that, when amended, said section shall read as follows: Section 4096. No action to obtain a discovery under oath, in aid of the prosecution or defense of another action, shall be allowed; but the examination of a party, or, in case a corporation be a party, the examination of the president, secretary, other principal officer or general managing agent of such corporation, otherwise than as a witness on a trial, may be taken by deposition at the instance of the adverse party, in any action or proceeding, at any time after the commencement thereof, and before judgment. Such deposition shall be taken before a judge at chambers, on a previous notice to such party, and any other adverse party, or their respective attorneys, of at least five days; or it may be taken without the state upon commission, in the manner provided for taking other depositions. The attendance of the party to be examined may be compelled upon subpœna and the payment or tender of his fees as a witness; and such examination shall be subject to the same rules as that of any other witness, but he shall not be compelled to disclose anything not relevant to the controversy. On motion, and one day's notice, the court, or presiding judge thereof in which the action or proceeding is pending, may, before the examination is begun, by order, limit the subjects to which such examination shall extend; but the party examining shall in all cases be allowed to examine upon oral interrogatories. Such examination shall not be compelled in

Of evidence.

any other county than that in which the party to be examined resides.

SECTION 2. This act shall take effect and be in force from and after passage and publication.

Approved March 23, 1882.

[No. 183, S.] [Published April 1, 1882.]

CHAPTER 195.

AN ACT to appropriate to the Southwestern Wisconsin Industrial Association a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the Southwestern Wisconsin Industrial Association the sum of five hundred dollars. Wisconsin Industrial Association.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 176, S.] [Published March 28, 1882.]

CHAPTER 196.

AN ACT relating to telephone companies and to regulate the use and rental of telephones in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of every telephone company, or person, firm or corporation engaged in the business of leasing telephones to the public, or supplying the public with telephones and telephonic service, or operating a telephone exchange, to receive and transmit without discrimination messages from and for any other company, person or persons, upon tender or payment of the usual or customary charges therefor; and upon payment or tender of the usual or customary charges therefor, or usual or customary rental sum, it shall be the duty of every telephone company or person, firm or corporation engaged in the business of leasing telephones to the public, or supplying the public with telephones and telephonic service or operating a telephone exchange to furnish, without unreasonable delay, without discrimination and without any further or additional charge to the person, firm or corporation applying for the same, including all telegraph companies, a telephone or telephones with all the proper or necessary fixtures, as well as connection with the cen- Rental of telephones.

tral office or telephone exchange if desired, and shall connect the telephone of such person, firm or corporation with the telephone of any other person, firm or corporation having a connection with the same, or a connecting exchange or central office, whenever requested so to do, without regard to the character of the messages to be transmitted, provided they are not obscure or profane; and every person or corporation neglecting or refusing to comply with any of the provisions of this act shall forfeit not less than twenty-five nor more than one hundred dollars for each and every day such neglect or refusal shall continue, one-half to the use of the person or corporation prosecuting therefor.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 178, S.] [Published April 1, 1882.]

CHAPTER 197.

AN ACT to amend section 3626 of chapter 155 of the revised statutes relating to pleadings in courts of justice.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Pleadings in courts of justice.

SECTION 1. Subdivision 4 of section 3626 of chapter 155 of the revised statutes of 1878 is hereby amended so as to read as follows: 4. The answer may contain a denial of the complaint, or of any part thereof, and also notice, in a plain and direct manner, of any facts constituting a defense or counterclaim. The counterclaim must consist of one of the causes of action mentioned in section 2656. The pendency of an action commenced by an ordinary summons, shall not be pleaded in abatement of an action commenced by summons returnable in three days, or by warrant.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 184, S.] [Published April 7, 1882.]

CHAPTER 198.

AN ACT in relation to the trust fund therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trust fund.

SECTION 1. There is hereby appropriated to th corporation or corporations which shall have received

patents from the state for any lands granted by congress by acts of June 3, 1856, and May 5, 1864, lying north of the St. Croix river or lake, all moneys received into the state treasury belonging to what is known as the St. Croix trespass fund, collected from trespassers upon lands embraced in the patents to said corporations respectively, less each such corporation's equitable proportion, for the lands so patented, to be ascertained and determined by the governor, of the expenses from time to time paid or incurred out of said fund and chargeable to said fund in collecting the same and protecting said lands from trespassers, and all other expenses paid out of said fund and incurred being chargeable to the same, and less, also, any and all moneys heretofore paid out of said fund to any of said corporations. The said money shall be paid by the treasurer on the warrant of the secretary of state, which warrants shall be drawn in favor of the corporations entitled to the same, upon the order of the governor. And whenever and as fast as any of said corporations shall receive patents for any of said lands, the moneys received into the state treasury from trespassers upon the lands embraced in such patents shall be paid over to the corporation receiving such patents in the manner hereinabove provided. The governor shall have a right to exact from the corporations receiving such money such acquittances and releases of the state as he shall consider the interest of the state demands in the premises; provided, however, that there shall be retained in the treasury out of the moneys to be paid under the provisions hereof a sum not less at any time than twenty thousand dollars, until the road described in said act of June 3, 1856, north of the St. Croix river or lake, and in section 1 of said act of May 5, 1861, shall have been fully completed; and provided further, that no such corporation or corporations shall be entitled to receive its or their proportion of the said retained twenty thousand dollars until it shall have fully completed its railroad in accordance with the acts of congress making such grants and in accordance with the laws of this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 156, S.] [Published April 1, 1882.]

CHAPTER 199.

AN ACT relating to the meetings of county boards, and amendatory of section 664 of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Meetings of county boards.

SECTION 1. Section 664 of the revised statutes of the year 1878, is hereby amended by adding thereto, at the end thereof, the following; provided, that the said county board shall not, at any session thereof, sell, convey or transfer or in any manner whatever order or direct the sale, conveyance or transfer of any tax certificates owned or held by the county at less than their face unless such county board shall have prior thereto given public notice of their intention so to do by publication thereof for four successive weeks in some newspaper of general circulation in said county, published in the English language; provided further, that any and all sales, conveyances, transfers or assignments of tax certificates hereafter made in violation of the provisions of this act shall be null and void.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 23, 1882.

[No. 16, S.] [Published April 1, 1882.]

CHAPTER 200.

AN ACT providing for the punishment of a father for the abandonment of his children.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Punishment of a father.

SECTION 1. If any father shall wilfully abandon his child or children, leaving them in a destitute condition, such father shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as provided in section 4423 of the revised statutes; provided, that the wife shall be a competent witness in all such cases as provided in this section to testify for or against her husband.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 23, 1882.

[No. 103, A.] [Published April 7, 1882.]

CHAPTER 201.

AN ACT to amend section 1 of chapter 119 of the laws of 1881, in relation to fences.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In relation to fences.

SECTION 1. Section 1 of chapter 119 of the laws of 1881 is hereby amended as follows: By striking out the word "forty" where it occurs in the ninth line of of said section, and by inserting the works "thirty-six each" in lieu thereof, so that the section when so amended shall read as follows: All fences not less than fifty-four inches high, consisting of boards firmly fastened to posts well set, not more than nine feet apart the space between the ground and bottom board and each space between the boards not more than eight inches; and all fences consisting of five barbed wires with at least thirty six barbs each to the rod, firmly fastened to posts well set, not more than sixteen feet apart, with one good stay between, the top wire not less than forty-eight inches high at the place of attachment, and the bottom wire not more than seven inches from the ground, and the space between the bottom and second wire not more than seven inches, and the space between the second and third wires not more than eight inches, and the space between the third and fourth wires not more than twelve inches, and the space between the fourth and top wires not more than sixteen inches; the above mentioned spaces to be measured at the place of attachment; and all fences consisting of rails, timbers, wires, boards or stone walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches or hedges, or other things which shall be considered equivalent to the board or barbed wire fence herein provided for, in the judgment of the fence viewers within whose jurisdiction the same may be, shall be deemed legal and sufficient fences. Fences on marsh lands may be made by a ditch or by a fence combined with ditch or ditches, not exceeding twelve feet in width, equal amounts of material being taken from, or equal space occupied on each side of the division line.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 256, A.] [Published April 10, 1882.]

CHAPTER 202.

AN ACT in relation to the entry of judgments in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Entry of judgments in certain cases.

SECTION 1. Whenever the finding of a court shall be filed or the verdict of a jury shall be rendered in any cause, it shall be the duty of the successful party in the cause to enter and perfect the judgment upon such finding or verdict within sixty days after the filing of the finding or the rendition of the verdict. In case the successful party shall neglect to perfect the judgment within the time aforesaid, it shall be the duty of the clerk of the court to prepare and enter the proper judgment, but without costs to either party; and the neglect or failure of the successful party to enter and perfect judgment as hereinbefore required, shall be deemed a waiver of his right to the accrued costs in the action; provided, that whenever from any cause there shall be a stay of proceedings after the filing of the findings or after verdict, such judgment may be perfected as hereinbefore provided at any time after thirty days from the expiration of such stay of proceedings.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 263, A.] [Published April 13, 1882.]

CHAPTER 203.

AN ACT to repeal chapter 373 of the private and local laws of the year 1871, entitled an act to incorporate the village of Winneconne in the county of Winnebago.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.]

SECTION 1. Chapter 373 of the private and local laws of the year 1871, entitled "an act to incorporate the village of Winneconne in the county of Winnebago," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 291, A.] [Published April 11, 1882.]

CHAPTER 204.

AN ACT to amend section 1951 of chapter 89 of the revised statutes, entitled "of insurance corporations."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1951 of chapter 89 of the revised statutes is hereby amended by inserting after the word "any," where it occurs in the third line of said section, the word "county," so that said section when so amended shall read as follows: Section 1951. Every such corporation organized under the laws of this state may invest its funds and accumulations in stock or bonds of the United States or of this state, or of any county, incorporated city or town in this state, or in mortgages being first liens on real estate, worth at least twice the money loaned thereon, and it may also loan to its policy holders, sums not exceeding one-half the annual premiums on their policies, upon notes to be secured by the policy of the persons to whom the loans may be made, and when such corporation shall transact business in any other state, it may invest its surplus funds in such state on like security and under the same restrictions as in this state. No life insurance corporation organized under the laws of this state shall issue policies insuring fire, marine, accident or live stock risks, nor do any banking business. Insurance corporations.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 322, A.] [Published April 7, 1882.]

CHAPTER 205.

AN ACT to amend section 1938 of the revised statutes, relating to town insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1938 of the revised statutes of 1878 is hereby amended by striking out the word "day" where it occurs in the second line of said section, and inserting "the thirty-first day of December," so that said section, when so amended, shall read as follows: Section 1938. The secretary of every such corporation shall annually prepare a statement, show- Town insurance companies.

ing its condition on the thirty-first day of December preceding its annual meeting, which shall contain the names of all persons then insured, the amount insured by each policy, the whole number of policies issued, the whole number then in force, the aggregate amount then insured, and the aggregate amount of each class of insured property, the amount of losses paid during the year, the whole amount of losses paid by the corporation since its organization, the whole amount insured since its organization, the amount of losses sustained and unpaid, if any, and all such other matters pertaining to the interest of such corporation as by the by-laws he may be required to report upon. Such statement shall be read to the members of such corporation at their annual meeting, and entered at length upon the records, and within fifteen days after such annual meeting, shall be filed in the office of the town clerk of the town in which such corporation has its office, and a certified copy thereof transmitted to the commissioner of insurance.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 343, A.] [Published April 8, 1882.]

CHAPTER 206.

AN ACT to authorize sureties in criminal cases to surrender the principal.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Surrender of principal.

SECTION 1. Whenever the sureties upon any bond or undertaking given by or on behalf of any person charged with an offense punishable by imprisonment in the state prison shall, for any cause deem themselves insecure, and shall desire to surrender their principal, and be discharged from the obligations of such bond or undertaking, such sureties may arrest and take into custody the said principal and surrender him to the proper officer in the manner hereinafter provided.

May be taken into custody.

SECTION 2. For the purpose of surrendering the principal as provided in the first section of this act the sureties may take into custody such principal wherever he may be found within this state, and convey and deliver him into the custody of the person or officer having charge of the jail, prison or other place of confinement to which the principal shall have been com-

mitted, and released on bail; or in case such principal shall not have been committed to any such jail, prison or other place of confinement, then he may be so surrendered into the custody of the sheriff or other officer who shall have had the custody of the person of such principal at the time he was admitted to bail.

Certified copy.

SECTION 3. Such sureties shall also at the time of surrendering the principal as hereinbefore provided, deliver to the person or officer into whose custody the said principal may be surrendered, a duly certified copy of the original commitment, if any shall have been made, of the order admitting the principal to bail, and of the bond or undertaking thereon, and the delivery of such copies to such person or officer shall be sufficient authority for such person or officer to receive and detain in custody the person of such principal until he shall be otherwise bailed or discharged form custody by due course of law.

Principal to be conveyed to jail.

SECTION 4. Whenever the sureties shall surrender the principal to any person or officer not having the custody of the jail, prison or other place of confinement in which such principal is to be detained in custody, it shall be the duty of the officer receiving such principal to forthwith convey such principal to the jail, prison or other place of confinement used by the county in which the offense charged against the principal is triable, and he shall be received and detained therein the same as though he had been originally committed there.

May apply to judge for an order.

SECTION 5. Upon the surrender and delivery of such principal into the proper jail, prison or other place of confinement, the sureties may apply to the judge or justice having jurisdiction to try the offense charged against the principal, in vacation or otherwise, for an order discharging them from further liability as sureties; and upon satisfactory proof being made to such judge or justice that the provisions of this act have been complied with, such judge or justice may make an order so discharging such sureties from all liability upon their bond or undertaking.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 350, A.] [Published April 11, 1882.]

CHAPTER 207.

AN ACT relating to salaries of deputy sheriffs in Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salaries.

SECTION 1. Section 2 of chapter 227 of the general laws of 1877 is hereby amended by striking out the words and figures fourteen hundred ($1400) where they occur in the third line thereof, and inserting in lieu thereof the words fifteen hundred ($1500), and by striking out the words and figures eight hundred ($800), where they occur in the seventh line of said section, and inserting instead thereof the words and figures one thousand ($1000), so that said section, when so amended, shall read as follows: Section 2. Said sheriff is hereby authorized to appoint one under sheriff, who shall receive a salary of fifteen hundred ($1500) dollars per annum, to be paid monthly out of the treasury of Milwaukee county, and nine deputy sheriffs, of whom one shall act as clerk in the sheriff's office; the said deputy sheriffs shall receive a salary of one thousand ($1000) dollars per annum, except the one acting as clerk in the sheriff's office, under the provisions of this act, who shall receive a salary of twelve hundred ($1200) dollars per annum. The salaries of said nine deputy sheriffs shall be paid monthly out of the treasury of said Milwaukee county, and the salaries so paid to said under sheriff and said deputy sheriffs shall be in lieu of all fees, per diem and other emoluments of whatever kind or nature heretofore allowed by law.

SECTION 3. All acts or parts of acts, in so far as they conflict with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 401, A.] [Published April 10, 1882.]

CHAPTER 208.

AN ACT respecting corporations for the manufacture and sale of gas.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Manufacture and sale of gas.

SECTION 1. Every corporation existing under the laws of the state of Wisconsin empowered to manufac-

ture and sell inflammable gas for illuminating purposes is hereby authorized and empowered to manufacture and sell such gas for heating, culinary and manufacturing purposes, and all laws in force respecting the laying and protection of the mains, pipes, works and property of such corporation shall, as for as applicable, apply to the laying and protection of its mains, pipes, works and property laid and used in carrying into effect its additional powers hereby conferred upon it.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 115, A.] [Published March 29, 1882.]

CHAPTER 209.

AN ACT to revise and amend the charter of the city of Beloit and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

TITLE I.

CITY AND WARD BOUNDARIES.

City and ward boundaries.

SECTION 1. The territory lying in the county of Rock, and known and designated as section twenty-five (25), twenty-six (26), thirty-five (35), thirty-six (36), and the east half of sections twenty-seven (27), and thirty-four (34), in township number one, range twelve east, shall be a municipal corporation by the name of "the city of Beloit," and the inhabitants thereof shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; of suing and being sued; pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

How divided.

SECTION 2. The city shall be divided into four (4) wards as follows: The first ward shall be that portion contained within the following boundaries, to-wit: commencing in the centre of Rock river in the centre line of the bridge crossing said Rock river between Bridge street and the public landing, so called, on the east bank, running from said point in the same line to the

east bank of the river; thence in a straight line to the center of School street, so called; thence in the center of said School street, easterly, till it intersects with the center line of Union street, so called; thence running in a line in the center of said street till it intersects with the center line of Second street; thence in the center line of Second street to its intersection with the center line of the Milwaukee road; thence in the center line of the Milwaukee road to its intersection with the line dividing the towns of Turtle and Beloit; thence south on said dividing line to the state line dividing the states of Wisconsin and Illinois; thence on said state line to the center of Rock river; thence in the center of Rock river to the place of beginning. The second ward shall include all of that territory within said city limits upon the east side of the center of Rock river not included in said first ward. The third ward shall include all of that territory within said city limits upon the west side of the center of Rock river north of the east and west quarter section line dividing sections thirty-four (34) and thirty-five (35), in township one (1), range twelve (12) east. The fourth ward shall include all of that territory within said limits on the west side of the center of Rock river not included in the third ward.

TITLE II.

ELECTIONS.

Elections.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday of April of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until sundown, and ten days' previous notice shall be given by the city clerk of the time and place of holding such elections, and of the city and ward officers to be elected. The elective officers of said city shall be a mayor, treasurer, and three aldermen for each ward, one justice of the peace, for the first and second wards, who shall hold his office in one of said wards, and one justice of the peace for the third and fourth wards, who shall hold his office in one of said wards, and one police justice for the whole city. All other officers for the proper mansgement of the affairs of said city shall be elected by the common council. All officers, except justices of the peace and the police justice, shall, unless otherwise provided in this act, hold their offices for one year, and until their successors are

elected and qualified. Justices of the peace and the police justice shall hold their offices for two years, and until their successors are elected and qualified; provided, however, that the common council shall have power for due cause to expel any of their own members by a vote of two-thirds of all the members, due notice being first given to the officer complained of, and the council may at any meeting remove any officer or agent of said city who has been elected or appointed by said common council or who may have been appointed by any officer of said city.

New election.

SECTION 2. Should there be a failure by the people to elect any officers herein required to be elected, on the day designated, the common council may require a new election to be held, ten days' notice of the time and place being first given.

Vacancies to be filled by a new election.

SECTION 3. When a vacancy shall occur in the office of mayor, alderman or justice of the peace, such vacancy shall be filled by a new election, which shall be ordered by the common council, and held within fifteen days after such vacancy shall be made known to the common council; said notice of such election shall be given for the same time, and be conducted, and the returns thereof made in the same manner as annual elections. Any vacancy happening in any other office shall be filled by the common council. The person so elected or appointed shall hold his office for the unexpired term of the person whose office he may be elected or appointed to fill.

Election by ballot.

SECTION 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an office shall receive an equal number of votes for the same office, then the same shall be determined by the casting of lots in the presence of the council at such time and in such manner as it may direct.

Who entitled to vote.

SECTION 5. Every person entitled to vote within said city for the state and county officers shall be entitled to vote in the ward where he resides, at any election held under this act.

Aldermen shall conduct the elections.

SECTION 6. The elections in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election and shall take the usual oaths or affirmations, as prescribed by the general election laws of this state to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths; said elections shall be held and con-

ducted in the same manner, and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regulating elections.

Challenged voters.

SECTION 7. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspectors, before receiving the vote of any such person, shall require him to take the oath prescribed by the laws of this state relating to election and general elections.

Swearing in votes.

SECTION 8. And if the person offering to vote shall take such oath his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be punished therefor in the manner provided by the general laws of this state. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and if any inspector shall knowingly and corruptly receive the vote of any person not duly authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect count and tallies of votes, each and every such inspector and clerk shall be liable to be punished therefor in the manner provided in the general laws of this state.

Return of votes polled to be made.

SECTION 9. When any election under this chapter shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each and every officer and shall deliver, or cause to be delivered, such returns to the clerk of the common council, who shall forthwith give notice to each of the aldermen elected of their respective elections; within one month after any election the common council shall meet and canvass said returns, and declare the result as it appears from the same.

Removal from city or ward.

SECTION 10. Any officer removing from the city or any ward officer removing from the ward for which

he was elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy in the manner hereinbefore provided.

Aldermen to be elected.

SECTION 11. At each annual election held in said city there shall be elected one alderman for each ward, and the person so elected shall hold his office for three years and until his successor is elected and qualified, unless the office to which he was so elected shall sooner become vacant.

When term to commence.

SECTION 12. The term of every officer elected under this act shall commence on the second Tuesday of April of the year for which he was elected.

TITLE III.

OFFICERS—THEIR POWERS AND DUTIES.

Duties and powers of officers.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office before some proper person authorized to administer oaths, and file the same, duly certified by the officer taking the same, with the clerk of the city, and the treasurer, clerk, marshal, constable, and such other officer as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Beloit a bond, in such sum and with such conditions as the common council shall direct, with sufficient sureties to be approved by said common council, and said sureties shall severally justify in such sums as shall, in the aggregate, be equal to double the penalty of said bond; and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. The marshal and each constable elected or appointed shall also, before entering upon the duties of his office, execute and file in the office of the city clerk an undertaking with the sureties, and substantially in the form provided by section 841 of the revised statutes. Each justice of the peace and the police justice elected under the provisions of this act shall, before entering upon the duties of his office, execute a bond or undertaking, with two or more sufficient sureties, substantially in the form provided by section 1 of chapter 45 of the laws of this state passed in the year 1881, and file the same with

the clerk of the circuit court for Rock county, within the time prescribed in said chapter. The sureties to each such bond or undertaking shall be approved by the mayor or the acting mayor and the clerk of said city, and the common council may at any time require a new or additional bond or undertaking from any officer of said city who is required to give any bond or undertaking, and remove from office any officer who shall neglect or refuse to give the same.

Duties of mayor.

SECTION 2. The mayor when present shall preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem best for the prosperity and advantage of the city. The mayor shall be the chief executive officer and head of the police of the city; and in case of a riot or other disturbance, he may appoint as many special or temporary policemen as he may deem necessary, and by and with the advice and consent of the common council, he may appoint special constables or policemen to serve for such time as the council may direct. The mayor shall have a vote only in case of a tie. The mayor if he disapproves of any ordinance passed by the common council, or any vote or resolution which appropriates money from the city treasury or which may create any debt or liability against the city, may file his objections thereto in writing with the city clerk within twenty-four hours (Sundays excepted) after the passage of any such ordinance, vote or resolution, and such objections shall be entered upon the record of proceedings of the council kept by the clerk, and at its next meeting the council shall proceed to reconsider the matter so objected to by the mayor, and shall vote thereon by yeas and nays, and the names of the aldermen voting, with their votes, shall be entered on the record of proceedings, and no such ordinance, vote or resolution shall be passed upon such reconsideration unless two thirds of the aldermen present at such meeting shall vote in the affirmative.

Election of president.

SECTION 3. At the first meeting of the common council each year, they shall proceed to elect by ballot one of their number president, and in case absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, for

any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of mayor. In case the mayor and president shall both be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. The president or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and any act performed by them or either of them shall have the same force and validity as if performed by the mayor.

Duties of clerk.

SECTION 4. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced; and countersign all orders drawn by the mayor on the treasury, in pursuance of an order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose; he shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, and enter into a book to be provided by him for that purpose, the names of all the parties to such instruments the same as town clerks are by law now required to do, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed shall be as valid and have the same effect as if the same had been filed in the town clerks office of any town. It shall also be his duty to do or perform any act required to be done by clerks of towns not inconsistent with the provisions of this act, and he shall have power and authority to administer oaths and affirmations. The city clerk of the city of Beloit may, after entering upon the duties of his office, appoint a deputy, who shall take the oath of office and file the same with the clerk; and in case of the absence, sickness, or other disability of the clerk, such deputy may perform the duties of the clerk, and shall receive the same compensation that the clerk would be entitled to receive.

Duties of treasurer.

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, in such manner as the common

council shall direct. The treasurer shall exhibit to the common council at least fifteen days before the annual election, and sooner if required by the council, a full and detailed statement of all receipts and disbursements since the date of the last annual report, and also the state of the treasury, which statement shall be filed with the clerk. The treasurer, in addition to the powers and duties provided for in this act, shall have the same powers and perform the same duties, and be subject to the same liabilities as treasurers in towns, but he shall only receive for moneys collected on the annual tax list and warrant the following fees: For all sums collected or paid to him before the first day of January, one-half of one per cent; for all sums collected or paid to him during the month of January next after the date of the tax warrant, two per cent., and for all moneys collected or paid to him after the thirty-first day of January next after the date of said warrant, four per cent.; provided, that upon separate warrants or special assessments, he shall be entitled to five per cent. upon all sums actually collected, except when paid by the city. And said treasurer shall not receive any pay or compensation for his services, except as specially provided for in this act.

Duties of marshal.

SECTION 6. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and the collection of license moneys and fines; he shall possess the powers of constables at common law, or by the laws of this state, and shall receive like fees, except where the services are rendered for and in behalf of the city.

Duties of city attorney.

SECTION 7. The attorney shall perform all professional services incident to the office, and when required shall furnish written opinions upon any subject submitted to him by the common council.

Publication of notices.

SECTION 8. All ordinances, resolutions, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of the common council, to be published in a public newspaper, may be published in any newspaper printed and published in said city that shall be designated by the common council; and in case of the publication of any ordidinance, notice, resolution or other matter which is required to be published, the editor or publisher of the newspaper so designated shall file with the clerk of the city a copy of such publication with the affidavit of such editor, publisher or foreman, of the length of time the same has been published, and such affidavit

or the record thereof shall be conclusive evidence of such publication.

Penalty for neglect to deliver.

SECTION 9. If any person having been an officer in said city shall neglect or refuse for ten days after notification and request to deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or appertaining to the office he may have held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

Officers of the peace.

SECTION 10. The mayor or acting mayor, the sheriff or any deputy sheriff of Rock county, the marshal, constable and policeman and each and every alderman of said city, shall be officers of the peace and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and, for such purposes, may command the assistance of all citizens and bystanders, and if any person shall refuse to aid in maintaining the peace, when so required, he shall forfeit and pay a fine of not exceeding fifty dollars, unless such person so refusing shall be so sick or infirm as to render it impracticable for him to comply with such command, and which sickness or infirmity may be shown in defence.

Powers of justices.

SECTION 11. The justices of the peace provided for in this act shall have the same power and jurisdiction as justices of the peace elected by towns, except as is otherwise provided in this act.

Authority to make contract.

SECTION 12. No contract shall be made for or in behalf of the city without the authority of the common council, nor shall any debt be incurred or any liability created against the city by any officer or agent thereof without the authority of the council, and it shall not be lawful for the council to appropriate any money towards the payment of any such debt or liability, but the officer or agent making such contract or incurring such liability shall be personally liable to the person or party interested, and the same may be recovered in an action against such officer or agent in the same manner as if he or they had contracted in their own name and for their own benefit; provided, that this section shall not be construed to limit the powers of street commissioners to order and contract for street improvements without the order of the council in the cases provided for in title VII of this act.

TITLE IV.

COMMON COUNCIL — ITS POWERS AND DUTIES.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Beloit do ordain." The common council shall meet at such time and place as they by resolusion shall direct; but they shall hold stated meetings on the first Monday of each month, and the mayor may call special meetings by notice to each of the members, or left at their usual place of residence. A majority of the aldermen shall constitute a quorum.

Duties of council.

SECTION 2. The common council shall determine the rules of its proceedings and be the judge of the election and qualifications of its members, and have power to compel the attendance of absent members.

Control of property, etc.

SECTION 3. The common council shall have the management and control of the property and finances of the city, and shall likewise, in addition to the powers herein granted, have full power and authority to make, enact, ordain, establish, publish and enforce all ordinances, rules and by-laws, and alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression or vice, for the prevention of crime, and for the benefit of the trade and health thereof, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of law:

Licenses.

1. To license and regulate the exhibition of common showmen and shows of any kind, the exhibitions of caravans, circuses, and theatrical performances, operas and concerts, the keeping of billiard tables and bowling saloons, and to prohibit the same and to declare the same a nuisance, and to abate any nuisance, to grant licenses under any excise law of this state, subject, however, to such regulations, restrictions and limitations, and for such sum, as to the council shall seem proper; and the common council may cause such regulations, restrictions and limitations, or the substance thereof, to be inserted in any license granted or issued in said city for the sale of strong, spirituous, malt, or intoxicating liquors, and the same shall form a part of such license; and no such license shall be construed to

give to the holder thereof any further or greater rights and privileges than such as therein stated; provided, that no license to sell or traffic in strong, spirituous or intoxicating liquors within said city shall be granted for a less sum nor for a longer time than is now provided, or may hereafter be provided, by the general laws of this state relating to excise and the sale of intoxicating liquors, or as is provided in section 8 of title IV of this act.

2. To restrain and prohibit all vending or dealing in or giving away spirituous, vinous, fermented or intoxicating liquors, and all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gain in said city, and may declare the illegal traffic in strong, spirituous, malt, ardent or intoxicating liquors or drinks a nuisance and abate it as such; and the common council may revoke any license for the sale of spirituous liquors for a violation of any law of this state relating in any way to excise or the sale of spirituous and of intoxicating liquors, or for a breach of any or either of the conditions of any bond given by any person or persons to whom such license has been given or for the violation of any regulation or restriction made or adopted by the common council relating to the sale or traffic in spirituous or intoxicating liquors. Restrain liquor selling.

3. To prevent any riots, noise, disturbance or disorderly assemblages, suppress or restrain disorderly houses or groceries, or houses of ill-fame. Riots.

4. To compel the owner or occupant of any grocery, brewery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city. Cleanse nauseous places.

5. To direct the location and management of slaughter houses and markets, and to establish rates for, and license vendors of gunpowder and other combustible material. Slaughter houses.

6. To prevent the encumbering of streets, sidewalks, lanes or alleys with any substances, animal or vegetable whatever. Encumbering streets.

7. To prevent horse racing, and immoderate riding or driving in the streets, or upon bridges in the city, and to regulate the places of bathing and swimming in the waters within the limits of said city. Horse racing.

8. To regulate the running at large of cattle and to restrain the running at large of cattle, swine, sheep, Restrain cattle.

horses, poultry and geese, and to authorize the distraining and sale of the same; to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Putrid carcasses.

9. To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unwholesome, or unsound beef, pork, fish, hides, or skins of any kind, and in default, of any such person, to authorize the removal thereof by some competent officer at the expense of such person or persons.

Public pounds.

10. To make and establish public pounds, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of the city in case of fires; and to regulate and license hacks, drays, carts, and the charges of hackmen, draymen, and cartmen in the city.

Boards of health.

11. To establish and regulate boards of health, provide hospitals for those infected with the small-pox, and other contagious diseases, and order and regulate the removal of such persons from the city when the health and safety of the city require; to provide grounds for the burial of the dead, and regulate the burial of the dead, and exempt burial grounds, public squares, engine houses, and all other property set apart for public use from taxation.

Riding on sidewalks.

12. To prevent all persons from riding, or driving any animal on the sidewalks in said city, or in any way doing damage to said sidewalks, and to direct and regulate the setting of suitable hitching posts along the sidewalks of said city.

Discharging firearms.

13. To prevent the discharge of any gun, pistol or other firearm, or the exhibition of any fireworks in any of the streets or public grounds, or in any place in which the common council may consider dangerous to the city or any property therein, or upon any premises in said city, in the possession of another person without the consent of the person having the possession of such premises, and to prevent the destruction of birds and their young or eggs, in cemeteries or public grounds.

Restrain drunkenness.

14. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

15. To regulate the police of the city.

16. To regulate the place and manner of selling and weighing hay, and measuring and selling fuel, either wood or coal, and to appoint suitable persons to superintend and conduct the same. Fuel.

17. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions. Regulate butchers' stalls.

18. To regulate the time, place and manner of holding public auctions or vendues.

19. To provide by ordinance for a standard of weights and measures, and for the punishment of persons using false weights and measures, and to regulate the places and manner of weighing grain, wood, stock or other articles sold by weight in said city, and to prohibit the receiving of any such articles for storage by any warehouse man or other person or persons, until the same has been first weighed in the manner provided for by the common council. Weights and measures.

20. To compel the owners or occupants of buildings or grounds to remove dirt or other rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all substances as the board of health shall direct; and on his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Removal of dirt and rubbish.

21. To grade, pave, macadamize any street, highway or alley, or construct any bridge necessary for public use, and pave any new or old one, plank or pave any cross or sidewalk. Paving streets.

22. To cause main drains, gutters and sewers and culverts to be constructed, cleansed and repaired. Drains and gutters.

23. To cause gutters to be paved and stone curbing to be set along any lots or parcel of lots, either to facilitate drainage or protect the street, highway or alley. Gutters.

24. To grade, improve, protect and ornament public squares now or hereafter to be laid out. Public squares.

25. To direct the planting, rearing and preservation of ornamental trees in the streets and public grounds of said city. Ornamental trees.

26. To require the occupants of buildings in thickly settled portions of the city to provide themselves with fire buckets, and prescribe the manner in which they shall be marked and kept, and regulate their use at fires, and prescribe penalties for the non-compliance with this act, or any resolution or ordinance passed in pursuance hereof. Fire buckets.

Auctioneers.

27. To regulate the licensing of auctioneers, and the sale of personal property at auction, and to prohibit the sale of personal property at auction without license granted by authority of the common council; provided that no such license shall be required in case of any judicial sale or tax sale.

Prohibit obstruction.

28. To prohibit the erecting or maintaining of any fence, house or other obstruction within the limits of any street or highway in said city, and to cause any and all such obstructions to be summarily removed by the city marshal or other officer of said city, and the order of the common council shall be deemed a sufficient authority to the city marshal or other officer for the summary removal of any such obstruction, notwithstanding the same may be a dwelling house actually occupied as a residence; and an action may be maintained in the name of the city against the person erecteng or maintaining or causing such obstruction, for the recovery of the cost and expense of such removal, and no property of the defendant shall be exempt from levy and sale upon an execution issued upon any such judgment.

Vacate streets, etc.

29. To vacate any street, highway or alley when petitioned by two thirds of the owners or occupants of property directly abutting such street, highway or alley.

Vacate plats.

30. To vacate any plat or addition upon the petition of the proprietor or proprietors thereof, or a majority of the owners thereof.

Lighting streets.

31. To provide for lighting the streets of said city and to pay the necessary cost and expenses thereof.

Sprinkling streets.

32. To provide for sprinkling any street or part thereof in said city, to purchase and maintain such apparatus for such purpose, and to pay the necessary cost and expenses thereof.

Laws, etc., how passed.

SECTION 4. All laws, ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council present, and all ordinances shall be signed by the mayor, and be published in one newspaper in the city, before the same shall be in force, and within ten days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said ordinances shall be recorded, the publication thereof, respectively, shall be proved by the affidavit of the editor, publisher or publishers, or foreman of such newspaper, and said affidavit shall be recorded therewith, and such affidavit, or the record thereof, at all times shall be deemed and taken as sufficient and conclusive evidence of the time and manner of publication. No

appropriation shall be made without a vote of a majority of the members of the common council present, in its favor, which vote shall be taken by ayes and nays, and entered among the proceedings of the council.

Shall not hinder suits.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

Adjusting accounts.

SECTION 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, and other officers and agents of the city, at such times as they shall deem proper, and also at the end of each year, and before the terms for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his book and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

Extending time for collecting taxes.

SECTION 7. The common council of said city shall have the power, and they are hereby authorized, to extend the time for the collection of taxes in said city from time to time, not exceeding thirty days at any one time, until the first day of April next after the date of the tax warrant then in the hands of the city treasurer; provided, that no such extension shall be construed to extend the time for paying over to the proper officer, the money payable by the city for state and school taxes.

Expiring of licenses.

SECTION 8. All licenses granted by the common council for the sale of strong, spirituous, malt, ardent or intoxicating liquors shall expire on the thirtieth of April next, after the council shall vote to grant such license; provided that the council may revoke any such license in the manner and for any of the causes provided by law.

TITLE V.

FINANCES AND TAXATION.

How funds to be drawn.

SECTION 1. All funds in the city treasury, except state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, except as herein otherwise provided.

Annual tax.

SECTION 2. The common council may annually levy a tax upon all property in said city subject to taxation, not exceeding ten mills on the dollar of the assessed value of said property, as the same appears on the last corrected assessment roll, to defray the current expenses of said city.

Special taxes.

SECTION 3. Special taxes for purchasing fire engines and fixtures, cemetery grounds, public squares or buildings, roads or bridges, or for fire engine buildings, or the repairing or improving any road, bridges, or public grounds or squares, or cemetery grounds, when a sum exceeding five hundred dollars shall be required for any such purposes, may be voted at any regular or special meeting of the voters in said city; but no such vote shall be taken unless such vote be first recommended by the common council, and a notice of the same, specifying generally the purpose for which such tax is to be raised, and the time and place for voting, be published at least ten days before such meeting, in some newspaper in said city.

Assessment districts.

SECTION 4. Each of the wards in said city shall constitute an assessment district, and the common council shall, during the month of April in each year, elect an assessor for each ward, who shall be a resident and voter of the ward for which he is elected assessor, and the person so elected shall hold his office for one year, unless sooner removed by the council. The assessors, together with the mayor or acting mayor and city clerk, shall constitute a board of review, and the said assessors and board of review shall, in all things pertaining to the duties of their offices, conform to the general laws of this state in relation to the assessment of taxes, except as is otherwise provided in this act.

County supervisors may levy taxes.

SECTION 5. The board of county supervisors may levy taxes within said city in the manner provided by the general laws of this state, and cause the same to be certified to the city clerk, and the said city clerk shall thereupon proceed to calculate and carry out the same, together with all taxes levied under

the provisions of this act or of any other law, in a tax roll to consist of but one book or volume, and in the manner provided by law for the levy of taxes in towns. And in all other respects not herein provided for, the taxes upon such tax roll shall be collected in the manner now provided, or as may be hereafter provided, by law, for the collection of taxes in towns.

SECTION 6. The treasurer of the city in giving bonds, collecting of taxes and making his returns to the county treasurer, and in all other respects, unless otherwise provided in this act, shall conform to the general laws of this state relating to treasurers of towns, and he shall have all the powers and be subject to all the liabilities of a town treasurer. The warrant annexed to the tax roll shall be signed by the mayor or the acting mayor and city clerk, and the same may be substantially in the form provided by the general laws of this state.

Common council shall make plat.

SECTION 7. The common council of said city are hereby authorized and empowered to cause to be made by some competent person a plat of all pieces or parcels of land within said city which are not embraced and described in any of the recorded plats of land in said city, which plats shall plainly define the boundary of each tract or lot of land designated thereon, and each tract or lot of land embraced in said plat shall be designated by a number placed thereon. The said plat, when completed, shall be certified to by the person making the same, and shall be acknowledged before some officer authorized to take the acknowledgement of deeds by the mayor and clerk of said city, and when so certified and acknowledged shall be recorded in the office of the register of deeds of Rock county.

Assessors' subdivision.

SECTION 8. The said plat shall be called and known as "assessors' subdivision of lands in the city of Beloit," and for the purpose of assessment and taxation it shall be deemed a sufficient description of any piece of land described and designated in said plat, to designate the same by its number as it appears on said plat, and any deed of any such tract or piece of land which may be executed pursuant to the laws of this state by reason of the non-payment of any tax hereafter assessed, shall be as valid and effectual to pass the title to the lands therein described as it would be if said premises had been described by metes and bounds, and the said plat or the record thereof shall be received in evidence in all courts and places as correctly de-

scribing the several pieces or parcels of land therein designated and numbered.

TITLE VI.

OPENING OF STREETS, ETC.

SECTION 1. The common council shall have the power to lay out public grounds, squares, streets and alleys, and to widen the same

Condemning premises.

SECTION 2. The common council shall, by a general ordinance, prescribe the mode of procedure in condemning premises for public use, the manner of notifying the parties interested in such premises, and of estimating the damages to be paid to the owner or owners of the property proposed to be taken; and also the mode of ascertaining what lands or premises will be benefited by such taking; provided, however, that no ordinance shall be passed which shall not require notice, either actual or constructive, to the parties interested in the premises proposed to be taken, of the time, place and manner of appointing or drawing a jury to assess the damages, and of the time when the damages or benefits will be assessed, or that shall attempt to take away from the parties in interest their right of assessment by jury, or appeal to the circuit court, or to compensation before such property shall be taken.

Right of appeal.

SECTION 3. Any person being dissatified with the amount of compensation for property taken or the amount assessed as benefits, shall have the right to appeal to the circuit court within twenty days from the time of awarding of compensation or assessment of benefits, by giving a bond to the city, in not less than one hundred dollars, to be approved by the mayor, acting mayor or city clerk, to pay all costs of appeal, in case the appellant shall not, upon such appeal, increase the amount of compensation, or decrease the amount assessed as benefits, as the case may be. The common council may appeal in behalf of the city, by giving notice to the opposite party without giving bond.

TITLE VII.

CITY IMPROVEMENTS.

Street commissioner.

SECTION 1. The aldermen of the several wards shall be street commissioners in and for their several wards, two of whom shall be a quorum. The several boards of street commissioners shall make reports in

detail of their acts and doings to the common council whenever required.

Relating to the grading of streets, etc.

SECTION 2. Whenever the street commissioners of any ward shall deem it necessary to grade any street, highway or alley, or to grade or make any sidewalk, or to make any gutter, drain or sewer, they shall recommend the same to the council. They shall also direct the city engineer, or if there be none, or if the city engineer for any cause is unable to act, some competent person to make a plain and accurate specification of the work proposed to be done, together with an estimate of the whole cost of such improvement. The commissioners shall file such specification and estimate with the city clerk, and if the estimated expense of any improvement shall exceed the sum of fifty dollars, they shall give public notice in the official paper of the city for at least two successive weeks of the proposed improvement, describing the same, the street, highway or alley, or the particular portions thereof wherein said improvement or improvements are contemplated, which notice shall also name the time and place at which the common council will meet and hear any objections that parties in interest may urge against such improvement, and the said council shall hear said objections and pass upon the same at that or some subsequent meeting. And the council may direct that the said improvements to be made, or the council in its discretion may direct that the specifications for such improvements be altered or modified, and order that said work be done and improvement made in conformity with such alterations or modifications. And the council shall by resolution or otherwise, direct the said street commissioners to proceed with such improvement in conformity with the order of the council; provided, that when the council shall so alter or modify the plan of any proposed improvement, as to increase or diminish the expense thereof, the commissioners shall procure to be made and filed with the city clerk, before proceeding with the work, specifications of the work as ordered by the council, together with an estimate of the whole expense thereof.

Prosecuting work.

SECTION 3. The said commissioners shall, upon the filing of such specification and estimate with the city clerk, proceed and cause said work to be done without any order of the common council, and without notice to the parties interested, if the amount of the estimate for the whole work shall not exceed fifty dollars; but in case the estimate shall exceed the sum of fifty dol-

lars, and the improvement has been ordered by the common council, in the manner provided in the last preceding section, then they shall cause notice to be given for at least ten days in the official paper of the city, specifying the amount and the kind of work to be done, and the amount and kind of materials to be furnished, and the place where said improvements are to be made, soliciting sealed proposals for doing said work, or for furnishing said materials, or for both, as the case may require. The commissioners shall let such contracts to the lowest responsible bidder or bidders, all things considered, unless for sufficient cause they shall reject all bids offered, in which event they shall immediately re-advertise for proposals. All improvements shall be made under the supervision of the street commissioners of the several wards, and the commissioners may, when they think proper, require any contractor to give security for the performance of his contract.

When cost exceeds fifty dollars.

SECTION 4. After the common council shall determine to make any improvement, when the cost thereof is less than fifty dollars, or after the contract is let, when the improvement shall cost over fifty dollars, it shall be the duty of the city engineer to ascertain so far as possible the names of the owners of all lots or parcels of land upon either side of the street, alley or highway upon which said improvement is to be made, and unless known changes of ownership shall have been made, or known errors in such roll exist, the last assessment roll upon which taxes for the city shall have been collected shall be taken as correctly describing the ownership of such lots or parcels of land; and the said city engineer shall prepare a list of the lots or parcels of land liable to assessment for such improvement under the provisions of this act, designating the number of feet front on each lot or parcel with the owners' names, ascertained as above directed, together with the name and width of all streets crossed by said improvement, the correctness of which list shall be verified by oath of the party making it, to the best of his knowledge and belief. Such list shall be filed with the city clerk, together with a certificate of the board of commissioners, setting out the whole expense of such improvement.

Special assessment roll.

SECTION 5. It shall be the duty of the city clerk, on receipt of the list and certificate above specified, to prepare a special assessment roll from the list, specifying the lots or parcels of land to be assessed, with the

owners' names as specified in said list, together with the amount chargeable to each lot, which shall be determined by dividing the whole expense of the improvement by its length, and multiplying the front length of each lot by the average expense per foot, and the amount thus ascertained with the treasurer's commission of five per cent. for collecting the same shall be placed in a column opposite the proper description, and the clerk shall attach thereto a warrant, commanding the collection thereof, which shall be substantially the same as is now required for the collection of general taxes, except that said warrant shall be returnable to the clerk in thirty days from the date thereof, with the treasurer's return, which shall specify the gross amount collected, with an accurate description of the lots or parcels of land upon which the amount assessed has not been paid.

Notice to be posted or published.

SECTION 6. The treasurer shall, immediately upon the receipt of such special assessment roll give notice in the official paper of the city, if there be one, if not, in some newspaper published in the city, that such roll is in his hands for collection, and if the several amounts are not paid within fifteen days thereafter, he will proceed to levy and collect such assessment by distress, which levy he is hereby authorized to make, and when made, to proceed and sell in all respects, as near as may be, in the manner now provided for the collection of state, county and city taxes.

When land is returned as delinquent.

SECTION 7. When any lot or parcel of land shall be returned as delinquent, the clerk shall forthwith add twenty per cent. as a penalty for the non-payment of such assessment, and file in his office said list of delinquent taxes, and when the next succeeding general tax roll shall be extended, the said clerk shall cause the sum of such delinquent tax and penalty to be put in a column designated for special assessments, and opposite the proper lot or parcel of land before returned as delinquent, and said amount, both assessment and penalty, shall be collectible like other taxes, and if not paid, returned as delinquent as other taxes are by law returned. It shall be lawful for any interested party to pay said assessment and penalty to the city treasurer at any time before the same shall be inserted in the tax roll, and the city treasurer shall give to the person making such payment a proper receipt therefor, and the treasurer shall forthwith file a duplicate copy of such receipt with the city clerk; and such payment shall discharge such lots or parcels of land

from such assessment; provided, that the common council may, at any meeting thereof, held on or prior to the first Monday of December next after the filing of any such returns, remit the said penalty or any part thereof.

Reports quarterly.

SECTION 8. The city clerk shall at the first regular meeting of the common council, in the months of January, April, July and October (or oftener if required) in each year, report to the common council the amounts of money so paid by him, and the particular lots or parcels of land on account of which the same was paid, and the treasurer's receipt for said amount shall be a sufficient voucher for said clerk; but he shall file the same in his office, charging the treasurer with the amount thereof. Whenever the treasurer shall make return according to law of delinquent taxes to the city clerk, the said treasurer shall be entitled to a city order upon himself, payable to the board of commissioners (of the proper ward), or order for the amount of such delinquent taxes, which, together with the money collected shall be passed over to the proper board of commissioners, taking their receipts therefor.

Amount of special assessments.

SECTION 9. The amount of special assessments, when determined as in this title provided, shall be and the same hereby is declared to be a lien in severalty upon the lots, pieces or parcels of land named therein, and no subdivision of lots shall be necessary in order to determine the proper property to be assessed, unless owned by different individuals in distinct party, and not then, unless such ownership is evidenced by actual occupancy, in parts or severalty.

Expense to be charged to property.

SECTION 10. The expense of any improvement of streets, highways, alleys or sidewalks (except the repairing of old walks) shall be charged to the property abutting the contemplated improvements, unless the commissioners shall deem the sectionizing of the street, highway or alley or sidewalks to be more equitable and just, which being determined, the expense shall be chargeable to the frontage along such section, but no section shall be less than one hundred feet. When such improvement shall be divided into sections, or when the whole expense shall be for distribution over the whole frontage improved, the said commissioners shall proceed as follows to determine the amount each lot or parcel of land shall pay: First, ascertain the number of front feet upon either side of the street, highway or alley for each section of the contemplated improvements, or for the whole distance thereof, as the

case may require, including cross streets or intersections; divide the whole expense of the improvement of the section or the whole length of the work, as the case may require, by the number of front feet abutting such improvement; then multiply the average expense of one foot thus found, by the number of front feet in the lots, parts of lots or parcels of land abutting upon such improvement, keeping each lot or parcel of land separate, whether the same belongs to the same person or not, but dividing the lots when the ownership in severalty is known, being evidence as before provided by actual occupancy. When the improvement shall be the grading or making of but one sidewalk upon one side of the street, highway or alley, or for both walks, but one for some cause shall differ materially in manner of construction from the other, then in either case the expense shall be assessed to the frontage upon the particular walks separately; provided, that whenever the owners or owner of any lot or parcel of land fronting any street, highway or alley upon which such improvement is proposed to be made, have already voluntarily made any improvement upon said street, highway or alley in front of his or her lots or parcels of land, of the same or similar kind or character of the proposed improvement, the board of commissioners shall ascertain the value of such voluntary improvement, and to that end shall have power to subpœna witnesses, administer oaths and take proofs (keeping a record thereof), and the value of such improvement when ascertained shall be added to the expense of the proposed improvement and assessed therewith, and when assessed, the value of such improvement so made by such owners as aforesaid, shall be accredited on his or her said lots or parcels of land; provided that no sum shall be assessed or credited for any voluntary improvement in front of any lot or parcel of land as provided in this section, exceeding the amount of tax properly chargeable to said lot or parcel of land, to defray the cost of such improvement.

How to estimate street crossings.

SECTION 11. The amount of street crossings or intersections to be ascertained by multiplying the average expense of one foot found as provided in section ten, by the width of such street crossing or intersection, which amount shall be paid out of the city treasury.

Excessive filling.

SECTION 12. Whenever the commissioners of any ward shall be of the opinion that the work ordered to be done upon any street, highway or alley shall re-

quire excessive filling or excavation, they shall so certify to the common council, and if the council concur in such opinion, it may designate what per cent. of such filling or excavation shall be chargeable to the city, and such amount shall be payable out of the city treasury. The council may declare by ordinance or resolution, for the government of the several commissioners, what shall be deemed excessive filling or excavation.

Repairs on streets, sidewalks, etc.

SECTION 13. When a necessity exists in the opinion of the commissioners for relaying, replanking or repairing any sidewalk, it shall not be necessary for them to have the order of the common council or give the notice required in this act for grading streets or sidewalks, but said commissioners shall give notice in the official paper of the city, if there be one; if none, in some newspaper published in said city, for at least ten days, addressed to "the residents and property owners on —— street in —— ward" (as the case may require), which notice must describe in general terms, but with reasonable accuracy, the repairs to be made, the particular lots or parcels of land abutting which such repairs are to be made, unless the repairs are to be general along the street, highway or alley. Such notice must require all owners or parties in interest to cause such repairing, replanking or relaying to be done within some time named beyond ten days, or in case of neglect, the commissioner will cause the same to be done at the expense of the abutting lots; and such notice shall be deemed and taken to be an order. In case of a failure of any parties to comply with such orders, the commissioners shall at once proceed to have the work done as required by such order, either by contract or otherwise, keeping an account of the expense in front of each particular lot or parcel of land or subdivision of lots, when ownership is known, as above provided; when done, the separate expense to be chargeable to each particular lot or parcel of land in front of which the sidewalk shall have been repaired, and the same course shall be taken in order to enforce the payment of such repairs as hereinbefore provided in relation to collection of special tax or assessments for grading or making new sidewalks or streets.

When order shall be made for grading, etc.

SECTION 14. No order shall be made by the common council for the grading, paving, macadamizing or planking of any street, highway or alley, or for grading or making any new sidewalk, or for paving any gutter or

for setting any curbstone along any street or alley where the whole estimated cost of such improvement shall exceed the sum of two hundred dollars, unless a petition therefor shall have been presented to the street commissioners and filed with the city clerk signed by the owners or occupants of one-half of the frontage of property taxable for such improvements under the provisions of this act; provided, that nothing in this section shall be construed to require any petition for the proper repair of any street, sidewalk, or other improvements heretofore graded or made by orders of the street commissioners or common council, or for keeping in repair any street, road or alley which is or may be a common public highway, so that the same may be kept in suitable condition for public use. And in case any street or sidewalk shall in the opinion of the street commissioner require immediate repair, they may proceed forthwith without any order or notice, and cause the same to be suitably repaired, and the cost and expense of any repair so made shall be chargeable and collectible in the manner provided in section 13 of title VII of this act.

When necessity exists for culverts, gutters etc.

SECTION 15. When in the opinion of any board of street commissioners a necessity exists to make any culverts, gutters, drains or sewers, they shall recommend the same to the common council, and if the council shall think that the interest of the city requires such improvement to be made, it shall order the commissioners to proceed, and when the estimate for building one or more culverts, drains or sewers which are intended to drain or protect one locality or district, shall exceed fifty dollars, the same shall be let by contract to the lowest responsible bidder, being let in the same manner that contracts are let as provided for in this act for grading streets, etc. When the expense as estimated for any culvert, drain or sewer, or which is intended to drain the same locality or district, shall be less than fifty dollars, or the work shall be cleansing, the board of commissioners may proceed to have such work done without the order of the common council. All the expense of culverts, drains, gutters or sewers (except the paving of gutters or surface drains) shall be paid by the city. Paving of gutters or surface drains to be chargeable to abutting property the same as grading streets as provided in section 10 thereof.

Written notice to be given.

SECTION 16. The board of commissioners shall give written notice to all owners or occupants of lots or parcels of land which may be deemed injurious to

health by reason of stagnant water being thereon, of at least five days to abate such nuisance by drainage or filling up such lot or parcel of land, and if the owner is not a resident and there is no occupant, then the notice shall be by publication in the city paper, if one, if not, some other newspaper published in said city; and if the nuisance is not so abated the said commissioner shall cause it to be abated and removed at the expense of the property upon which the same shall exist; the amount thereof to be put into the next special tax roll as a special tax.

Poll tax.

SECTION 17. There shall be collected a poll tax of one dollar and fifty cents from every person liable by law to pay such tax, once each year, at such time as the board of commissioners shall deem most advantageous to the public. They shall, from the poll lists of their respective wards or from their own personal knowledge, make or cause to be made out under their direction a list of those persons residing within their wards respectively who are liable to pay a poll tax, and issue a warrant over their signatures, directed to the city marshal or any constable of said city, commanding him to collect one dollar and fifty cents from each person therein named, and make return of said warrant with his doings thereon, within thirty days, to said board of commissioners. The said officer, in the collection of such tax, shall have the same powers and authority to levy and sell any personal property as town treasurers in the collection of taxes, and he shall proceed in the same manner as town treasurers are authorized and required by law to proceed in the collection of taxes; and the said warrant may be renewed by said commissioners from time to time for a term not exceeding thirty days at any one time, until the poll taxes in said ward are collected. The money collected by virtue of any such warrant shall be paid over to the said street commissioners by the officer having such warrant, and the said commissioners may allow to and pay to the officer having such warrant out of the moneys so collected by him, such compensation as they shall deem proper, not exceeding twenty per cent. of the amount collected and paid over by him by virtue of said warrant. The balance of all money so collected shall be expended by said street commissioners in their respective wards, in cleansing, dressing over and repairing the streets, highways and alleys in such ward, and said street commissioners shall report to the council when required by the council, the whole

amount of money so received by them and the purposes for which the same has been expended by them. And if any officer having such warrant shall neglect or refuse to pay over any money collected by him by virtue of such warrant for the space of three days after the return day of such warrant, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars and not more than five hundred dollars, and shall be imprisoned in the common jail of Rock county until such fine is fully paid.

Snow on sidewalks.

SECTION 18. If the owner or occupant of any lot in the city of Beloit shall suffer snow to remain upon any planked or paved sidewalk in front of or adjoining such lot for three hours after the snow ceases to fall, the street commissioners of the ward where such sidewalk is located, or any one of said commissioners may proceed forthwith, without any order or notice to the owner or occupant of the lot, and cause the said snow to be removed, and the cost and expense of removing the same shall be chargeable and collectible in the manner provided in section 13 of title VII of this act.

TITLE VIII.

FIRE DEPARTMENT.

Fire department.

SECTION 1. For the purpose of guarding against fire, the common council shall have power to prescribe the limits within which buildings not considered fire-proof shall not be erected or repaired, and to prohibit the rebuilding or repairing of wooden buildings within said limits, when the same shall have been damaged by fire or otherwise to an extent exceeding fifty per cent. on the value thereof, and to prescribe the manner of assessing such damage.

Construction of chimneys.

SECTION 2. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearth-stones, stove-pipes, ovens, boilers, and apparatus used in or about any building, and cause the same to be removed or placed in a secure and safe place or condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to regulate the carrying on of any manufactories dangerous in causing or promoting fires; to prevent the use or regulate the use of fire-works and fire-arms.

Scuttles in roof.

SECTION 3. To compel the owners and occupants of buildings situated in the business part of the city to

have scuttles in the roofs of such buildings or ladders leading to the same.

Guard at fires.

SECTION 4. To authorize the mayor and aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention of fires and the extinguishment of the same; as the common council may deem expedient.

Purchase fire engines.

SECTION 5. The common council shall have power to purchase fire engines and engine houses and apparatus for fire engines, and to authorize the formation of fire companies and to provide for the due and proper regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company may elect its own officers and form its own by-laws, not inconsistent with the laws of the state, or the ordinances and regulations of said city, and said companies be formed only by volunteer enlistment, and every member shall be exempt from poll tax and highway work, and from serving on juries, and from military duty during the continuance of such membership.

Chief engineer.

SECTION 6. The common council shall, on the first Monday in May in each year, or as soon thereafter as practicable, appoint a chief engineer, who shall appoint an assistant engineer, both of whom shall have such power and perform such duties as the common council may ascribe. The common council shall also at the same meeting appoint four fire wardens, one of whom shall reside in each ward, and who may from time to time as they deem proper, enter into or open any house, store-house or other building or enclosure, for the purpose of inspecting the same, and with a view to guard against fire. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or to direct or order the marshal, constable or watchman, or any citizen, to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order, shall be liable to such

penalty as the common council may prescribe, not exceeding ten dollars.

SECTION 7. The members of such fire company or companies are hereby authorized, collectively or individually, at the time of any fire to take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from destruction. The common council is hereby authorized to appropriate such sum as they may deem proper for the compensation of said members of said fire company or companies, and for the proper regulation and expenses of the same; provided, the same appropriations shall not exceed one-half of all the proceeds of all fines and penalties received for the breach of any ordinance, by-law or regulation made in pursuance of this chapter. Preservation of property.

TITLE IX.

RELATING TO A POLICE COURT.

SECTION 1. The police justice of said city shall hold his office for the term of two years, and until his successor is elected and qualified, and at each annual election next prior to the expiration of the term of office of the police justice then in office, his successor shall be elected. The police justice shall have and exercise all the authority, powers and jurisdiction which are by law conferred upon justices of the peace, and shall take the oath and give the security required of justices of the peace. He shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trial for offenses against the criminal laws of this state committed within the limits of said city, and shall have exclusive jurisdiction in all cases to which the said city shall be a party, and he shall have the same power and authority in cases of contempt as a court of record; provided, that nothing herein contained shall be construed to affect in any manner the jurisdiction of the circuit court, or of the municipal court for Rock county. Nor shall the same be construed to give the police court jurisdiction to hear, try and determine any civil suit where the subject matter of the suit exceeds two hundred dollars, or any criminal suit or proceeding when the offence is not by the general laws of this state cognizable before a justice of the peace; and provided further, that in any action or proceeding to which the said police justice may be a party, or of kin Relating to police court.

to any party to such action or proceeding, or of kin to the complainant in any criminal action or proceeding, then, and in every such case, the justices of the peace provided for by this act shall have jurisdiction to issue process in such action or proceedings, and to hear and determine the same, and if upon the return of any process issued by said police justice in any criminal action or proceedings, or in any civil action to which the said city is a party, it shall be made to appear by the affidavit of the complainant or defendant in any criminal action or proceeding, or by the affidavit of the defendant or of the mayor, city attorney or city marshal, in any suit to which the said city is a party, before issue is joined in any such action or proceeding, that the police justice is a material witness on the trial or hearing of any such action or proceeding, or that he is of kin to the complainant or to any party to such action or proceeding, then and in every such case the said police justice shall transmit such action or proceeding and all papers relating thereto to one of the justices of the peace in said city, who shall thereupon proceed to hear, try and determine the same in the same manner as it would have been lawful for the said police justice to have done if such affidavit had not been made. The said justice may also, on his own motion, without any such affidavit, remove any action or proceeding to one of the justices of the peace of said city, in any of the cases mentioned in this section, where he may be of kin to the defendant or to the prosecuting witness, and the justice to whom the same is transmitted shall thereupon proceed to hear, try and determine the same.

Compensation for services.

SECTION 2. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace in towns for similar services, but the city shall not be liable to said justice for fees, except as shall accrue in prosecutions for the violation of the charter or ordinances of said city, wherein the offender shall have been discharged by some other tribunal, or the city fails in its prosecution, when the proceedings are instituted by the mayor or marshal.

In case of sickness of justice.

SECTION 3. In case of the absence, sickness or other inability of said police justice to discharge the duties of said office, the mayor may designate and authorize by warrant over his signature, any justice of the peace within said city, to perform the duties of police justice, and the justice so designated shall, for the time being, possess all the powers, authority, rights

and jurisdiction of the police justice during the absence, sickness or other disability of said police justice, and shall continue to hold jurisdiction until the final determination of the particular case or matter commenced before him, notwithstanding the removal of the cause that occasioned his appointment to act as such police justice.

Appeals.

SECTION 4. Appeals shall be allowed in all cases from the police court, and shall be taken in the same manner and within the time provided by law for appeals from justices of the peace. No removal of any criminal action or proceeding, or of any civil action to which the said city may be a party, from said police justice, shall be made, except in the cases provided in the last preceding section and in section 1 of title IX of this act.

Monthly report.

SECTION 5. The police justice shall, on the first Monday in each month, report to the common council a list of all suits or proceedings instituted before him in behalf of said city, and the disposition made thereof, and shall at the same time account for and pay over to the city treasurer the amount of all fines and penalties collected by him, whether said fines or penalties were received for violations of the laws of the state, of the city charter, or ordinances of said city, and the receipts of the city treasurer for the amounts thus paid over shall be immediately filed with the city clerk, and the city treasurer shall pay over to the county treasurer of Rock county all moneys received for fines or penalties in civil or criminal actions to which the state was a party.

Relation of police justices to state laws.

SECTION 6. The laws of the state relating to justices of the peace and courts held by justices of the peace, shall be construed to apply to said police justice and police court, except as is otherwise provided in this act.

City not liable.

SECTION 7. The city of Beloit shall not be liable for or pay any costs in any action or proceeding for violation of any law of this state, but the same shall be and remain a county charge, as is now provided by law.

Cannot arrest without process.

SECTION 8. It shall be lawful for the city marshal, the sheriff of the county of Rock and his deputies, and any police officer or constable of said city, to arrest summarily and without process, any person who may be found violating any of the criminal laws of this state, or who is committing any breach of the peace within said city, or who has violated any ordinance of

said city in relation to drunkenness or disorderly conduct, and take the person so arrested before the police justice. And in case of any such arrest or of any arrest made upon a criminal warrant, or upon any civil warrant in which said city is party plaintiff, which may be made after seven o'clock in the evening of any week day, or upon Sunday, or upon any legal holiday, the officer making such arrest may detain the person so arrested in custody until nine o'clock on the following day, and in case such arrest is made on Saturday evening, he may be detained until nine o'clock in the morning of the Monday following, when he shall be brought before the police justice or the justice of the peace having jurisdiction of the offense, with which the person so arrested may be charged.

Trial of arrested persons.

SECTION 9. Whenever any person shall be arrested and brought before the police justice for trial or for examination, such justice may, if he thinks proper, continue the trial or examination on his own motion, not exceeding three days at any one time, and in the meantime, unless the person under arrest shall give such security as shall be required by said justice for his appearance, he shall be remanded into the custody of the officer making the arrest, or some other proper officer, who shall keep him in custody until the time fixed for such trial or examination.

Confinement of suspected persons.

SECTION 10. Any person who may be under arrest in said city, awaiting a trial or examination before the police justice, may be confined by the officer having him in charge in such place within said city as shall be provided by the common council, or in the jail of Rock county; provided, however, that no such person shall be confined for a time exceeding three days at any one time, in any place other than the common jail of said county of Rock.

Prosecutions, how conducted.

SECTION 11. In all prosecutions for any violations of the provisions of this act, or any by-law or ordinance, the first process shall be a summons, unless oath be made for a warrant, as in other cases. Execution shall issue forthwith on the rendition of the judgment, unless the same be stayed or appealed according to the laws of this state, and shall be in the same form and be executed in the same manner as is now provided or may be hereafter provided by law for executions in actions founded in tort; provided, that the officer having such execution may satisfy the same out of any property of the defendant which would be liable to levy and sale by virtue of a tax warrant to collect a tax against such defendant.

TITLE X.

MISCELLANEOUS PROVISIONS.

SECTION 1. All property, real and personal, within the limits of said city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities; provided, that this section shall not be so construed as to exempt from taxation any real estate for street improvement or for the opening or widening of streets, but all real estate in the city which is exempt from taxation under the general laws of this state shall be subject to assessment and to special tax for such purposes in the same manner as other real estate under the provisions of this act. All property subject to taxation.

SECTION 2. No money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

SECTION 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be sufficient for the complaint in the action generally to allege that the defendant is indebted to the plaintiff in the amount of such penalty or forfeiture, or in such other manner as may be provided by law in actions to recover penalties or forfeitures, stating the clause of this act, or by-law or ordinance under which the penalty or forfeiture is claimed, and to give special matter in evidence under it. Actions to recover penalties.

SECTION 4. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party or interested. No incompetency.

SECTION 5. If any election by the people or common council shall, for any cause not be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or dissolving said corporation; but such election shall be had on any subsequent day, by order of the common council; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which the said acts may be done or performed. Failure of election not to invalidate.

Damaging trees, etc.

SECTION 6. The general laws for the preservation of trees and bridges and punishment by such laws provided for the willful and malicious injuries done to the same are hereby extended to and shall include all trees belonging to said corporation, and all bridges that are now built or may be hereafter built in said city, and shall apply to any willful and malicious damage which may be done to the same by any person or persons whatever; and the common council may, from time to time, make such by-laws or ordinances as they may deem necessary for the preservation of said trees and bridges, and enforce the same by adequate penalties.

Public squares, etc.

SECTION 7. All public squares, public buildings and public grounds within the limits of said city of Beloit shall be under the control of said city, and the common council may make such ordinances in reference to the protection of the same as they may deem proper.

Suit against city, how commenced.

SECTION 8. When any suit or action shall be commenced against said city, the service of process therein may be made by leaving a copy of the process, by the proper officer, with the mayor or city clerk, whose duty it shall be forthwith to inform the common council thereof, and take such other proceedings as by the ordinances or resolutions of said council may be in such cases provided.

May hold real estate.

SECTION 9. The city may lease, purchase or hold real or personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same; and the same shall be free from taxation.

SECTION 10. The aldermen of the several wards in said city shall be fence viewers in their respective wards, and they shall have the same powers, perform the same duties, and be entitled to the same compensation for their services as fence viewers in towns.

Publication in newspaper to be valid.

SECTION 11. Any ordinance of said city, published in any newspaper of said city, or which is contained in any book or pamphlet purporting to have been published by order of the common council, may be read in evidence from such newspaper, book or pamphlet, and the same shall be received in evidence in all courts and places as prima facie evidence of the passage and publication, and of the contents of such ordinance.

Issue of subpœnas.

SECTION 12. Any officer in the city authorized to issue subpœnas in any civil or criminal suit or proceeding, may issue a subpœna to witnesses to appear and testify before the common council upon any complaint or other matter pending before said council. Such

subpœna may be served in the same manner as in civil actions pending in any court. The mayor or other presiding officer of the council, and the clerk of the city, are hereby authorized and empowered to administer the proper oath to any witness to be examined before said council. And if any person shall refuse to appear before the council in obedience to a subpœna duly served upon him, or if he refuses to testify before said council in answer to any question put to him; such refusal shall be certified by the city clerk or clerk pro tem. of said council, to the officer who issued the subpœna, and such certificate shall be received as presumptive evidence of the matters therein stated; and the officer who issued such subpœna is hereby authorized and empowered to punish such witness in the same manner as if such witness had refused to appear or had refused to testify in any suit or proceeding pending before him.

SECTION 13. No general law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SECTION 14. Nothing in this act contained shall be construed to repeal, alter or amend the following named acts, or either of them: Chapter 11 of private and local laws of this state passed in the year 1870, entitled "an act to enable the town of Beloit and the city of Beloit to settle their bonded indebtedness." Chapter 32 of the laws of this state, passed in the year 1878 entitled "an act to empower the common council of the city of Beloit to provide security against loss by fire in said city." Chapter 236 of the laws of this state, passed in the year 1879, entitled "an act relating to the city of Beloit, and authorizing the acquirement and use of additional cemetery grounds by that city." And chapter 6 of the laws of this state, passed in the year 1881, entitled "an act to authorize the common council of the city of Beloit to issue the bonds of said city for the purpose of paying its present bonded indebtedness." Not repealed.

SECTION 15. All acts and parts of acts in contravention of the provisions of this act, are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

No. 304, A.] [Published April 13, 1882.]

CHAPTER 210.

AN ACT to authorize an investigation of the cause of the overflow of the Chippewa river in Dunn county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Overflow of Chippewa river.

SECTION 1. The governor of this state is hereby authorized to appoint a competent civil engineer as commissioner, to investigate into the character and causes of the overflow of the Chippewa river in the townships of Spring Brook, Peru, Rock Creek, and Dunn, in the county of Dunn. Said commissioner shall, from personal inspection, and from such other and further sources of information as to him may be most available and satisfactory, ascertain whether such overflow or any part thereof, and to what extent is the result of artificial flooding. He shall also investigate the feasibility of preventing such overflow, but he shall not have power to incur any expense in such investigation other than the pay for his individual services and personal expenses herein provided for, and he shall not be entitled to pay for services rendered under the provisions of this act for a period exceeding thirty days.

When commissioner to be appointed.

SECTION 2. Said commissioner shall be appointed on or before the first day of May, 1882, and shall proceed to the discharge of the duties imposed upon him by the provisions of this act, within thirty days after such appointment. He shall make such investigation and survey and conclude the same as speedily as consistent with a proper discharge of the duties imposed upon him by this act, and shall make out and file with the governor, on or before the first day of July next, a full report of his proceedings, estimates and conclusions.

Compensation.

SECTION 3. Such commissioner shall receive such compensation, not exceeding five dollars per day and actual necessary expenses, as the governor shall certify to be just and proper, and the secretary of state shall audit such compensation so certified and draw his warrant for the same, payable from the general fund.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 316, A.] [Published April 8, 1882.]

CHAPTER 211.

AN ACT to amend section 1452, chapter 59, of revised statutes, in relation to cemeteries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Seven or more members of any cemetery association which as such organization shall have acquired any cemetery grounds in which any interments shall have been made and shall still remain, but which association shall have failed for three consecutive years or more to hold its annual election on the day fixed, or shall have failed in any manner to keep up its organization, may, by giving at least three weeks' public notice in a newspaper published in the town, city or village in which said cemetery is situated, or if no newspaper be published in said town, city or village, by posting, at least three weeks prior to the day of such meeting, three written or printed notices in three of the most public places in such town, city or village of the time, place and object of such meeting, assemble and reorganize by the election of trustees, the same as if said election had been held at the time fixed in their certificate of organization; and in case the terms of office of all the trustees of such association shall have expired, or shall from any cause become vacated, the respective terms of office of such trustees shall be divided into classes as provided in section 1442 of chapter 59, the commencement of such terms to be computed from the next preceding day fixed for the holding of their annual election, and the proceedings of such meeting shall be entered by the secretary thereof on the records, and thereby such former association shall be revived and continued with all its powers, rights and privileges. **Relating to cemeteries.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 205, S.] [Published April 11, 1882.]

CHAPTER 212.

AN ACT to amend chapter 291 of the laws of 1880, entitled "an act relating to the equalization of assessments."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one (1) of chapter two hundred and ninety-one (291) of the laws of 1880 is here- **Equalization of assessments.**

by amended so as to read as follows: Section 1. The mayor and common council of any city, the president and board of trustees of any village, or the supervisors of any town, who may consider such city, village or town aggrieved by the action or decision as to either real or personal property, or both, which may have been heretofore or shall hereafter be made or taken under section 1073 of the revised statutes, or other provisions of law for the county apportionment or equalization of assessments by the board of supervisors of the county wherein such city, village or town is located, may apply at any time within one year from the time when such action or decision may have been or shall be made or taken to the circuit judge of the judicial circuit wherein such county is situated, for the appointment of three commissioners to review such action or decisions and to examine and determine what sum upon the hundred dollars should be added to or deducted from the aggregate valuations of real or personal property, or both, as the case may be, as therein made by such county board of supervisors, in order to produce a just relation between all the valuations of real or personal property, or both, in said county, according as such city, village or town may be aggrieved as to real or personal property, or both; but such commissioners shall in no case increase the aggregate valuation throughout the county of such property, real or personal, or both, as they are, under such application, to enquire into, above the aggregate valuation of the same property made by said county board of supervisors.

SECTION 2. Before the final determination by the commissoners appointed under said chapter 291, upon the valuation which they are to examine and review, they shall appoint a convenient time and place in such county for hearing any evidence or arguments upon the valuations under review to be offered by any taxpayer or officer of any city, village or town in the county, and shall give notice thereof by mail at least ten days before such time to the clerk of each city, village or town in the county. The commissioners shall attend at the time and place named, or at a time and place to which they may adjourn, and they shall hear any evidence or arguments from or on behalf of any taxpayer or officer, and shall sit at least five days. They may adjourn from day to day and from time to time, call for and examine any assessment, or taxpayers or records in the county, subpœna and swear witnesses,

and in general conduct the hearing after the usual manner of a judicial hearing; but they shall hear evidence and arguments and consider the facts as to the valuation of the property of specific taxpayers only so far as in their judgment such valuation bears on the just aggregate valuation of any city, village or town.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 400, A.] [Published April 12, 1882.]

CHAPTER 213.

AN ACT to amend chapter 108 of the laws of 1881 relating to the collection and disposal of highway taxes in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 108 of the laws of 1881 is hereby amended by adding after section 3 the following: Section 4. In any village affected by the provisions of this act which has no police justice, suits to enforce the same may be brought before any justice of the peace holding his office in said village. Highway taxes.

SECTION 2. Section 4 of said chapter is hereby renumbered section 5.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 307, A.] [Published April 13, 1882.]

CHAPTER 214.

AN ACT to provide for a more perfect manner of scaling logs and timber in district number nine.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the lumber inspector of lumber district number nine in this state, his deputies or any person or persons scaling logs or timber within the limits of said district, immediately after scaling a log or stick of timber, to mark with an edged tool said log or timber with a private mark, to be known as the scaler's mark, designed by said inspector, his deputies or other persons so scaling such logs or timber, and the said mark shall be recorded with other log marks in the inspector's office of said Scaling logs.

district, with proper explanation of its meaning, and no extra charges shall be made for the performance of the work above mentioned other than the regular charges for scaling logs and timber in said district, now allowed by law.

SECTION 2. Any lumber inspector, deputy lumber inspector or other person scaling logs or timber in said district failing to comply with the requirements of the above section or neglecting to perform the duty required in said section shall, on conviction thereof before a court of proper jurisdiction, be fined not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for a term of not less than thirty days nor more than sixty days.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1882.

[No. 63, A.] [Published April 11, 1882.

CHAPTER 215.

AN ACT relating to the additional assessment of highway taxes, and amendatory of section 1244, chapter 52 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Amend section 1244 of the revised statutes by striking out all after the word "repair" in the third line of said section, and insert the following: The supervisors shall have power in their discretion, upon the written application of the overseer of any district in their town, to assess an additional tax upon the taxable property of such district, not to exceed seven mills to the dollar, on the valuation of the same as fixed by the supervisors in the tax list for such district; and the taxes so further assessed shall be collected and expended in like manner as all highway taxes assessed by the supervisors are required to be collected and expended, so that when so amended the section shall read as follows: Section 1244. Whenever the amount of highway tax assessed by the supervisors in any district shall be deemed insufficient to keep the roads in repair, the supervisors shall have power in their discretion, upon the written application of the overseer of any district in their town, to assess an additional tax upon the taxable property of such

district, not to exceed seven mills to the dollar on the valuation of the same as fixed by the supervisors in the tax list for such district; and the taxes so further assessed shall be collected and expended in like manner as all highway taxes assessed by the supervisors are required to be collected and expended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 87, A.] [Published April 7, 1882.]

CHAPTER 216.

AN ACT to amend chapter 184 of the laws of 1874, entitled "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 5 of chapter 15 of chapter 184 of the general laws of 1874 is hereby amended so as to read as follows: Section 5. The members of the police force shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace, and the good order and health of the city; they shall possess the powers of constables at common law, and all powers given to constables by the laws of this state, and may within the county of Milwaukee execute all process issued by the municipal court of Milwaukee county or any justice of the peace of said county in criminal cases, but shall not serve civil process except where the city is a party. Amended.

SECTION 2. This act shall take effect from its passage and publication.

Approved March 24, 1882.

[No. 165, A.] [Published April 14, 1882.]

CHAPTER 217.

AN ACT to amend chapter 36 of the laws of 1878, entitled "an act relating to the health department of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1 of chapter 36 of the laws of 1878, entitled "an act relating to the health department of the city of Milwaukee," is hereby amended to read Amended.

as follows: Section 1. It shall be the duty of the mayor of the city of Milwaukee to appoint on the third Tuesday of April, 1882, and every four years thereafter, subject to confirmation by the common council of said city, a commissioner of health, whose duty it shall be to examine into and consider all measures necessary to the preservation of the public health in said city and to see that all ordinances and regulations in relation thereto be observed and enforced.

SECTION 2. All acts and parts of acts so far as they contravene the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 281, A.] [Published April 12, 1882.]

CHAPTER 218.

AN ACT to amend section 1 of chapter 100 of the general laws of 1881, and amendatory of section 1570 of the revised statutes of the year 1878, relating to hawkers and peddlers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Hawkers and peddlers.

SECTION 1. Section 1 of chapter 100 of the laws of 1881 is hereby amended by adding thereto the following: "Provided that said section shall not be construed to require a dealer in agricultural machinery or farm implements or his employes to procure a license to sell such implements kept in stock by him; provided, such dealer shall be a bona fide resident of this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 312, A.] [Published April 14, 1882.]

CHAPTER 219.

AN ACT to amend chapter 159 of the laws of 1878, entitled "an act to revise the charter of the city of Chippewa Falls."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 12 of sub-chapter 4 is hereby amended so as to read as follows: Section 12. The common council at their first meeting in each year or

as soon thereafter as may be, shall select from the lowest bidder or bidders one or more newspapers printed in said city in which shall be published all ordinances and proceedings and matters required by this act or by the by-laws or ordinances of the common council, to be published in a public newspaper. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affiadvit of his or their foreman, of the length of time, the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Licensing dogs.

SECTION 2. Subdivision 9 of section 3 of sub-chapter 5 is hereby amended by adding thereto as follows: And to provide for licensing the keeping of dogs in the said city, at a sum or rate of not less than one dollar nor more than ten dollars a year for each dog, and to provide for a badge or token to be carried by each licensed dog, and for the secure muzzling of licensed dogs, and for the killing and destruction in a summary manner of all dogs not licensed, whenever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys or public grounds in said city, and to punish persons keeping unlicensed dogs.

Cisterns and reservoirs.

SECTION 3. The 11th subdivision of section 3 of sub-chapter 5 is hereby amended so as to read as follows: 11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city; and to provide for lighting the streets, public grounds and public buildings, by gas or otherwise.

Streets, etc.

SECTION 4. Section 6 of sub-chapter 11 is hereby amended so as to read as follows: Section 6. Sidewalks shall be constructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, and of such materials, and in such time as the common council by ordinance shall

direct, by the owner or owners of any lot or parcel of land, or subdivision thereof, in front of which such sidewalks shall be ordered. After the adoption of such ordinance, the common council shall by resolution or order direct the street commissioner to make an estimate of the cost of construction, repairing or remaking such sidewalk, and of the particular amount thereof chargeable to such lot, parcel of land, or subdivision thereof, and file such estimate with the city clerk; and after such statement is so filed, the common council shall by ordinance fix the time within which such work shall be done. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk, as aforesaid, in the manner, of the material, or at the time so directed, the common council may cause the same to be constructed forthwith at the expense of such owner or owners, under the immediate supervision of the street commissioner, and as soon as the same is completed, in compliance with the ordinances, the street commissioner shall forthwith make a detailed report to the common council of all his doings, which shall be spread at length upon the records of the city; and at the same time he shall make and file with the city clerk a statement of the amount to be charged therefor against such lot, parcel of land, or subdivision thereof, which amount and interest, if not sooner paid, shall be placed in the next tax-roll by the clerk in a separate column, to be called special sidewalk tax, and the same shall be collected in the same manner as other taxes are collected, and the amount shall draw legal interest from the date that such statement is so filed with the clerk, until the first day of May next thereafter. Provided, however, that in no case shall the amount, less the interest, exceed the amount in the estimate.

Sidewalks out of repair.

SECTION 5. Section seven of sub-chapter eleven, is hereby amended so as to read as follows: Section 7. Whenever a sidewalk shall be out of repair and so remain for the space of twenty-four hours, which in the opinion of the street commissioner will not cost to exceed the amount of $10 in front of any lot or part thereof to repair the same, he shall be authorized to and it is hereby made his duty to repair the same; and when completed he shall make out an itemized bill of the cost thereof, describing the land in front of which the work is done, and verified by his oath, and present the same to the common council; all of which shall be spread upon the record of the city, and the amount thereof and interest if not sooner paid, shall be placed

in the next tax roll by the clerk in a separate column to be called special sidewalk tax, and the same shall be collected in the same manner as other taxes are collected, and the amount shall draw legal interest from the date that such statement is presented to the council until the 1st day of May next thereafter.

School house.

SECTION 6. Section 6 of sub-chapter 14 is hereby amended so as to read as follows: Section 6. Whenever repairs to a larger amount than three hundred dollars, shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost to be laid before the mayor and council; and whenever in their opinion, another school house shall be necessary, they shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and shall submit the same for the consideration of the mayor and council, who shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a vote of two-thirds of the whole number of aldermen of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings, or the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

SECTION 7. All acts or parts of acts in any manner conflicting with any of the provisions of this chapter are hereby repealed.

SECTION 8. This act shall take effect when published.

Approved March 24, 1882.

[No. 14, A.] [Published April 11, 1882.]

CHAPTER 220.

AN ACT to amend section 1 of chapter 130 of the laws of 1881, entitled "an act in relation to the House of Correction of Milwaukee county, and amendatory of section 2514 of the revised statutes of 1878."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

House of correction.

SECTION 1. Section 1 of chapter 130 of the laws of 1881 is hereby amended by striking out the word "two," wherever the same occurs, and inserting in lieu thereof the word "three," so that said section when so amended shall read as follows: Section 1. Section 2514 of chapter 115 of the revised statutes of 1878 is hereby amended by striking out the words "less than life," where the same occur in the third line of said section, and inserting in lieu thereof the words "not exceeding three years," so that said section when so amended shall read as follows: Section 2514. All persons convicted in said court who would otherwise be sentenced to be imprisoned at hard labor in the state prison for any term not exceeding three years; and all persons convicted in said court in city prosecutions, and in other cases, who would otherwise be sentenced or committed to imprisonment in the county jail, may be sentenced to imprisonment at hard labor in the House of Correction of Milwaukee county.

SECTION 2. All acts and parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1882.

[No. 160, A.] [Published, March 31, 1882.]

CHAPTER 221.

AN ACT to reduce the act incorporating the city of Janesville and the several acts amendatory thereof into one act and to amend the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES.

Boundaries.

SECTION 1. The act entitled "an act to reduce the act incorporating the city of Janesville, and the several acts amendatory thereof into one act, and amend the same," approved April 12, 1866, and the several acts

amendatory thereof, are hereby consolidated and amended, so as to read as follows:

SECTION 2. The district of country in the county of Rock, contained within the limits and boundaries hereinafter described, shall be a city by the name of Janesville, and the people now inhabiting, and those who shall hereafter inhabit said district of country, shall be a municipal corporation, by the name of the city of Janesville, and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess the powers herein specially granted; and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SECTION 3. The territory lying in the county of Rock, and included within the following described limits and boundaries, shall constitute the city of Janesville, to-wit: All of sections one and two, in township two north, of range twelve east, all of sections twenty-five, twenty-six, thirty-five and thirty-six, in township three north, of range twelve east; the west half of section six, in township two north, of range thirteen east, and the west half of sections thirty and thirty-one, in township three north, of range thirteen east.

SECTION 4. The said city shall be divided into five wards, as follows: All that part of the said district comprised within the following boundaries shall be the first ward, to wit: commencing at the point of intersection of the center line of Rock river with the north boundary line of the city, thence west on said north boundary line to the west boundary line of the city, thence south on said west boundary to the center line of Pleasant street, thence east on the center line of said street to the center line of West Milwaukee street produced, thence northeasterly along the center line of said street and along the center line of said street produced to the center line of Rock river, thence northerly along the center line of said river to the place of beginning; and all that part of said district that lies east of the middle of Rock river and north of the middle of Milwaukee street and the middle of the highway leading northeasterly from Milwaukee street to the city limits, shall be the second ward. All that part of said district that lies south of the said second ward and east of

Wards.

the middle of Rock river and also east of that portion of the north and south quarter section line of section one (1), town two (2), range twelve (12) east, that lies south of Rock river shall be the third ward. All that part of the said district comprised within the following boundaries shall be the fourth ward, to wit: commencing at the point of intersection of the center lines of Pleasant and Linn streets (Palmer and Sutherland's addition to Janesville), thence south on the center line of said Linn street and on the center line of said street produced to the center line of Rock river, thence down along said center line to the west boundary line of said city, then southerly along said west boundary line to the south boundary line of said city, thence easterly along said south boundary line to said north and south quarter section line of section one (1), thence northerly along said quarter section line to the center line of Rock river, thence up along the center line of said river to the center line of West Milwaukee street produced, thence southeasterly on said line produced and on the center line of said street to the center line of Franklin street (Smith, Bailey & Stone's addition to Janesville), thence southeasterly along the center line of said street to the center line of Pleasant street, thence westerly along the center line of said street to the place of beginning. All that part of the said district comprised within the following boundaries shall be the fifth ward, to-wit: Commencing at the point of intersection of the center line of Pleasant street with the west boundary line of the city, thence south on said west boundary line to the center line of Rock river, thence up along the center line of said river to the center line of Linn street (Palmer & Sutherland's addition) produced, thence north along the said line produced and along the center line of said street to the center line of Pleasant street thence easterly along the center line of said street to the center line of Franklin street (Smith, Bailey & Stone's addition to Janesville), thence northwesterly along the center line of said street to the center line of West Milwaukee street, thence southwesterly along the center line of said street to the center line of Pleasant street, thence west along the center line of said street to the place of beginning.

CHAPTER II.

ELECTIONS.

Elections.

SECTION 1. The annual election for ward and city officers shall be held on the first Tuesday in April,

of each year, at such place in each ward as the common council shall designate, and ten days' previous notice shall be given by the common council of the time and place of holding such election, and of the ward and city officers to be elected.

SECTION 2. The municipal government of said city shall consist of a common council, composed of the mayor, and two aldermen from each ward. The other officers of the corporation shall be a clerk, treasurer, city attorney, school commissioner at large, two justices of the peace, sealer of weights and measures, and one constable, supervisor and school commissioner for each ward, and a street commissioner and city marshal. Municipal government.

SECTION 3. At the annual election there shall be elected by the qualified electors of said city, a mayor, clerk, treasurer and sealer of weights and measures, who shall hold their respective offices for one year, a justice of the peace who shall hold his office for two years, and every two years there shall be elected by the qualified electors of said city a city attorney and a school commissioner at large, who shall hold their respective offices for two years. At such annual election there shall also be elected by the qualified electors of each ward, an alderman, who shall hold his office for two years; a constable and supervisor, who shall hold their respective offices for one year; and every two years there shall be elected by the qualified electors of each ward, a school commissioner, who shall hold his office for two years. All officers of said city heretofore elected under its charter, shall hold their respective offices until the expiration of the term for which they were elected, and nothing in this act shall be so construed as to authorize the election of any mayor, clerk, treasurer, city attorney, school commissioner at large, justice of the peace, sealer of weights and measures, alderman, school commissioner, supervisor, constable or other officer, whose term of office shall commence before the expiration of the terms of office of any such officer heretofore elected under the charter of said city. All elective officers specified in this act shall hold their respective offices for the terms provided in this act, and until their successors are elected and qualified. All other officers named in this act, and which are not by this act declared elective, shall be appointed by the common council by ballot. Officers to be elected.

SECTION 4. The common council may appoint a street commissioner and a city marshal, and may remove and displace both or either of them at its pleas- Street commissioner.

ure, and shall fix the rate of compensation to be paid to each, and they shall not receive any greater compensation than that so fixed.

How represented.

SECTION 5. The several wards in this city shall be represented in the common council by two aldermen, who shall be residents thereof. If any alderman remove from or cease to be a resident of the ward represented by him, his office shall thereby become vacant.

When vacancy shall occur.

SECTION 6. Whenever a vacancy shall occur in the office of mayor, alderman or justice of the peace, after the commencement of the term of service, and more than two months before the next general election of ward and city officers, such vacancy shall be filled by a new election, which may be ordered by the common council, and held within fifteen days after such vacancy shall occur. Any vacancy in either of the offices above named in this section, which shall not have been supplied by an election before the general election of ward and city officers next succeeding the happening thereof, may be supplied at such general election. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill such vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vote by ballot.

SECTION 7. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election, notwithstanding the provisions of law may not have been fully complied with in noticing or conducting the election, or canvassing or returning the votes, so that the real will of the plurality may not be defeated by any informality. Where two or more candidates for an elective office shall have an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council and under its direction.

Who are entitled to vote.

SECTION 8. All persons entitled to vote for county or state officers, and who shall reside in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this act, and be eligible to any office thereby created.

Inspectors nominated.

SECTION 9. The mayor shall nominate to the common council at their first regular meeting in September of each year, and in case there be no such regular meeting, then a special meeting which shall be held on the last Tuesday of said month, three persons for in-

spectors and two persons for clerks of elections for each election district therein. The common council shall immediately approve or disapprove such nominations; and in case of the disapproval of any person so nominated, the mayor or president shall immediately nominate another person for such position, and shall so continue to do until three inspectors and two clerks shall have been nominated and confirmed at such meeting. The persons so appointed inspectors and clerks shall hold their offices for one year, and shall act as inspectors and clerks at every general, municipal and special election held within their respective districts during such term. Such inspectors shall fill any vacancies in their number or in the number of such clerks, and may appoint one of their number chairman. Every person so nominated and confirmed as an inspector or clerk shall be an elector of the district for which he is appointed, shall be able to read and write the English language understandingly, and shall not be a candidate to be voted for at any election where he acts as inspector or clerk; and not more than two of such inspectors so nominated and confirmed shall be of the same political party, and the clerks shall be of opposing political parties, and when appointed to fill a vacancy shall have the same qualifications and belong to the same political party as the person he succeeds. If, at the time fixed for the opening of the polls on the day of any election, such inspectors or clerks, or either of them, shall fail to appear or refuse to act, or have become incapable of acting by removal of residence from such election district, or for other cause, and the inspectors appearing shall refuse to fill any such vacancy, the electors present may fill the same by viva voce vote.

Inspectors and clerks to take oath.

SECTION 10. Previous to receiving any votes, the inspectors and clerks of election shall severally take an oath or affirmation that they will support the constitution of the United States and the constitution of the state of Wisconsin, and will perform the duties of inspectors or clerks (as the case may be) of election, according to law; and will studiously endeavor to prevent all fraud, deceit or abuse, in conducting the same. Said oath or affirmation shall be in writing, shall be subscribed by the person taking the same, and shall be annexed to and returned with the poll list to the city clerk.

When polls to be opened.

SECTION 11. The polls of the election for municipal officers shall be opened at nine o'clock in the forenoon,

or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon of the same day. The inspectors shall cause public proclamation to be made of the opening and closing of the polls.

Ballot boxes.

SECTION 12. There shall be provided and kept by the clerk of the city, at the expense of the city, suitable ballot boxes for each poll therein, with a suitable lock and key to each, and there shall be one opening through the lid of each such box, of no larger size than shall be sufficient to admit a single closed ballot.

Place to hold elections.

SECTION 13. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the board of inspectors, after having assembled at or as near as practicable to such place, and before receiving any votes, may adjourn to the nearest convenient place for holding the election, and at such adjourned place shall forthwith proceed with the election. Upon adjourning any election as hereinbefore provided, the board of inspectors shall cause proclamation thereof to be made, and shall station a constable or some other proper person at the place where the adjournment was made, to notify all electors arriving at such place, of the adjournment and the place to which it was made.

Shall open ballot boxes.

SECTION 14. The inspectors of election, or one of them, immediately before proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of everything that may be in them, and lock them; and they shall not be re-opened until for the purpose of counting the ballots therein at the close of the polls.

Shall deliver a single ballot.

SECTION 15. Each elector shall publicly, at the poll where he offers to vote, deliver in person to one of the inspectors of election, a single ballot or piece of paper, on which shall be written or printed the names of all persons voted for by such elector, at such election, with a pertinent designation of the respective office which each person so voted for may be intended to fill, and the inspector receiving the same shall, without opening it, or permitting it to be opened or examined, deposit it in the box.

Shall keep poll list.

SECTION 16. Each clerk of election shall keep a poll list, on which he shall enter the full names of all persons voting, at such election, in the order of their voting, and on request of the inspectors, each elector shall state his full name before his ballot shall be received. When any person shall have taken the oath

hereinafter provided in section 20, before voting, the clerk shall write at the end of such person's name on the poll list the word "sworn."

SECTION 17. At any election for municipal officers each inspector of election shall, and any elector may, challenge every person offering to vote whom he shall know or suspect not to be duly qualified as an elector. May challenge.

SECTION 18. If a person offering to vote is challenged as unqualified, one of the inspectors shall tender to him the following oath or affirmation: You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector of this election; and shall thereupon put questions as follows:

First. If the person be challenged as unqualified, on the ground that he is not a citizen, and has not declared his intention to become a citizen: Form of oath.

1. Are you a citizen of the United States? If no, then —

2. Have you declared your intention to become a citizen of the United States conformably to the laws of the United States?

3. When and where did you declare your intention to become a citizen of the United States?

Second. If the person be challenged as unqualified, on the ground that he has not resided in this state for one year immediately preceding the election:

1. How long have you resided in this state immediately preceding this election?

2. Have you been absent from this state within the year immediately preceding this election? If yes, then —

3. When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4. What state or territory did you regard as your home while absent?

5. Did you while absent, vote in any other state or territory?

Third. If the person be challenged as unqualified on the ground that he is not a resident of the city or ward where he offers his vote:

1. When did you last come into this city or ward?

2. Did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this city or ward for the purpose of voting therein?

4. Are you now an actual resident of this city or ward, and what is the particular description, name and location of your residence?

Fourth. If the person be challanged as unqualified, on the ground that he is not twenty-one years of age:

Are you twenty-one years of age to the best of your knowledge and belief?

Fifth. If the person be challanged as unqualified on the ground that he has made or become directly or indirectly interested in any bet or wager depending upon the result of such election:

1. Have you made in any manner any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at this election?

2. Are you in any manner, directly or indirectly, interested in any bet or wager, depending in any way whatever upon the result of this election?

Sixth. If the person be challenged as unqualified on the ground that he has been convicted of treason, felony or bribery, and not subsequently restored to civil rights:

1. Have you ever been tried and convicted in this state of any crime? If yes—

2. Of what crime, when and in what court were you so convicted?

3. Have you in any manner since such conviction been restored to civil rights; and if yes, how?

Seventh. If the person be challenged as unqualified on the ground that he has been engaged, directly or indirectly, in a duel, either as principal or accessory:

1. Have you ever been engaged in any duel, directly or indirectly, either as a principal or as a second, or in counseling or aiding either principal or second, in a duel? and if yes, then—

2. When and where, and had you before that time been an inhabitant of this state?

Eighth. If the person be challenged as unqualified on the ground that he is a person of Indian descent and a member of an Indian tribe, or an uncivilized Indian:

1. Are you a person of Indian descent?

2. Of what tribe or nation are you a descendant?

3. Are you now a member of any Indian tribe?

4. Have you received any annuity from the United States or any agent thereof, or shared in any; and if so, when did you last so receive or share in any?

The inspectors or one of them, shall put such other questions to the person challenged as may be necessary to test his qualifications as an elector at such election.

SECTION 19. In determining the question of residence as a qualification to vote, the following rules, so far as applicable, shall govern, and if a person offering to vote be challenged as unqualified on the ground of residence, the inspector shall admonish him of such rules and put to him such further questions as shall be proper to elicit the facts in respect thereto, namely: Residence qualification.

First. As prescribed in the constitution, no person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state; and no soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed within the same. When residence is lost.

Second. That place shall be considered and held to the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

Third. A person who shall not be considered or held to have lost his residence, who shall leave his home and go into another state, or county, town or ward of this state, for temporary purposes merely, with an intention of returning.

Fourth. A person shall not be considered to have gained a residence in any ward of this city into which he shall have come for temporary purposes merely.

Fifth. If a person remove to another state, with an intention to make it his permanent residence, he shall be considered and held to have lost his residence in this state.

Sixth. If a person remove to another state with an intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered and held to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

Seventh. The place where a married man's family resides shall generally be considered and held to be his residence, but if it is a place of temporary establishment for his family, or for transient objects it shall be otherwise. Married man's residence.

Eighth. If a married man has his family fixed in one place, and he does his business in another, the form-

er shall be considered and held to be his place of residence; but if a married man has not resided with his family for the space of one year, his residence shall be held to be his voting place.

Ninth. The mere intention to acquire a new residence, without the fact of removal shall avail nothing; neither shall the fact of removal without intention.

Tenth. If a person shall go into another state, and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this state.

Eleventh. No person shall be deemed to have gained a residence in any ward in this city, so as to entitle him to vote at any election therein, by remaining in such ward as a pauper, supported by the town or county in which he shall be living at the time of such election; and no person shall be deemed to have lost his residence in any ward by remaining in any other town, ward or village as such pauper.

Challenging votes.

SECTION 20. If the person challenged shall refuse to answer fully any question so as aforesaid put to him, the inspectors shall reject his vote. If the challenge be not withdrawn after the person offering to vote shall have answered such questions, one of the inspectors shall then tender to him the following oath or affirmation: You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age; that you are a citizen of the United States (or that you have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided in this state one year next preceding this election; that you are now a resident of this ward; that you have not voted at this election, and that you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election, and that you are not on any other ground disqualified to vote at this election. If the person challenged shall refuse to take such oath or affirmation, his vote shall be rejected; but if he shall then take such oath, his vote shall be received.

SECTION 21. The inspectors shall reject the vote of any person under guardianship, non compos mentis, or insane; and no elector shall vote in any ward unless he is a qualified elector of said ward.

Shall maintain order.

SECTION 22. The inspectors shall possess full authority to maintain order and enforce obedience to their

lawful commands during an election and during the canvass of the votes. If any person shall refuse to obey the lawful commands of the inspectors, or by disorderly conduct in their presence or hearing shall interrupt or disturb their proceedings, they may order any constable or other person to take him into custody during the election.

Canvass of votes.

SECTION 23. As soon as the poll of the election shall be finally closed, the inspectors shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such poll, and continue without adjournment until the canvass is completed and the statements hereinafter required are made. They shall commence by a comparison of the poll lists and the correction of any mistakes therein, until they shall be found or made to agree. The box shall then be opened and the ballots therein taken out and counted by the inspectors, unopened, except so far as to ascertain whether each ballot is single; and if two or more ballots be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballot is completed; and if, upon a comparison of the count and the appearance of such ballots, a majority of the inspectors shall be of opinion that the ballots thus folded together were voted by one elector, they shall be destroyed. If the ballots in the box shall be found to exceed in number, after any such ballots folded together are destroyed, the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw therefrom by chance and without examination thereof and destroy so many ballots unopened as shall be equal to such excess. The number of ballots agreeing, or so as aforesaid being made to agree with the poll lists, the inspectors shall then proceed to open and count and ascertain the number of votes.

Shall publicly announce result.

SECTION 24. The canvass being completed, the inspectors shall then publicly announce the result thereof, specifying the whole number of votes cast for each office, and each person to fill the same respectively, and for and against such proposition voted for at such election, and shall immediately draw up a statement in writing thereof, in duplicate, setting forth therein in words at length and in figures the whole number of votes given for each office at such election, the names of all the persons for whom such votes were given as shown upon the ballots, and the number of votes so

given for each person, and the number of votes given for and against each proposition voted for, if any, at such election, which statements they shall certify to be correct and subscribe with their names, and shall within three days thereafter file the same, together with the poll lists, in the office of the city clerk.

Defective ballots.

SECTION 25. If the inspectors shall determine that any ballots are so defective that the same should not be canvassed, in whole or in part, they shall make a statement in writing in duplicate, certified to be correct, and signed by them, of the contents of each of such ballots, and attach the same to the aforesaid statements of the canvass; and they shall carefully seal up in an envelope all such ballots, and deliver the same with the aforesaid statements to the city clerk, to be preserved in his office. All other ballots shall be destroyed on completion of the canvass.

SECTION 26. Upon the filing of the aforesaid statements the common council shall meet and canvass the same, and declare the result of the election, and it shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify within ten days thereafter, the offices shall become vacant.

Special elections for vacancies.

SECTION 27. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the inspectors and clerks of the ward in the same manner, and the returns thereof shall be made in the same form, and within the time prescribed in the preceding sections of this chapter.

When term to commence.

SECTION 28. The term of every officer elected under this act shall commence on the third Tuesday in April of the year for which he was elected, and shall, unless in this act otherwise provided, continue for one year, and until his successor is elected and qualified.

Failure to elect.

SECTION 29. Should there be a failure for any cause by the people to elect any of the officers herein required to be elected on the day designated, the common council may order a new election for such office to be held, ten days' notice of the time and place of holding such election being first given.

False swearing.

SECTION 30. If any person challenged as unqualified to vote, shall be guilty of wilful and corrupt false swearing or affirming, in taking any oath or affirmation provided by this act, such person shall be adjudged guilty of wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment attached by

the laws of this state to the crime of perjury. If any person who is not a qualified voter shall vote at any election held under the provisions of this act, or if any person duly qualified to vote for the officers elected at large in said city, or on a proposition submitted to the electors thereof shall vote in any ward other than the one in which he resides, or shall vote more than once at the same election, he shall be guilty of a misdemeanor, and on conviction thereof he shall be imprisoned in the county jail for a term of not more than three months, or by a fine not exceeding one hundred dollars.

Compensation to inspectors.

SECTION 31. A reasonable compensation shall be paid to inspectors and clerks of election, and constables, employed and performing duties under the provisions of this chapter, to be fixed by the common council, and paid from the treasury of the city.

Untrue statement of canvass.

SECTION 32. Any inspector or clerk who shall knowingly make or assist in making any untrue or false statement or canvass of such votes, or any false certificate thereof, or who shall wilfully alter or destroy any statement or canvass of such votes or certificate thereof truly made, or any return, statement, canvass or certificate of such votes cast at any election, or who shall make or assist in making any canvass or statement of such votes, or sign or make or assist in making any certificate of the correctness thereof, which shall include or contain any votes, or statement or return of votes, in the form of additional or supplemental return, or who shall count, canvass or consider any such additional or supplemental returns, in determining the result of any election, shall be punished by imprisonment in the state prison, not more than three years nor less than one year, or in the county jail, not more than one year, or by fine not exceeding five hundred dollars.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Officers.

SECTION 1. Every person chosen or appointed to an office or place of trust under this act shall take and subscribe the oath of office prescribed in the constitution of this state to be taken by executive and judicial officers, and file it, duly certified by the officer before whom it was taken, with the clerk of the city.

Duties of mayor.

SECTION 2. The mayor shall, before he enters upon the duties or his office, in addition to the usual oath, swear or affirm that he will devote so much of his time to the duties of his office as an efficient and faithful discharge thereof may require. He shall, when present, preside over the meetings of the common council, and shall have a vote only in case of a tie, but shall in no case have a vote in the appointment of any officer or agent appointed under this act; and every ordinance resolution or by law mentioned in chapter 4 of this act, passed by the common council, shall, before it takes effect, be presented by the clerk to the mayor. If he approves, he shall sign and return it to the clerk; but if not, he shall return it with his objections, to the common council at its next stated meeting. The common council may then reconsider the vote by which such ordinance, resolution or by-law was passed. If, after such reconsideration, two-thirds of the members of the common council pass such ordinance, resolution or by-law, it shall take effect; and if an ordinance, shall become an ordinance of the city. The mayor may also withhold his signature to any order directed to be drawn upon the city treasurer, but the common council may, at any stated meeting thereafter, by two-thirds vote of its members, direct the mayor to sign such order. Thereupon the clerk shall immediately indorse upon the back of such order: "The mayor is directed by two-thirds vote of the common council to sigh this order." The clerk shall then sign such indorsement, and such order shall then be as valid against the city as if signed by the mayor. He shall also take care that the laws of the state and the ordinances are duly enforced, observed and respected, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the council such information and recommend such measures as he may deem advantageous to the city. The mayor shall likewise have the power, ex-officio, to administer any oath required to be taken by this act, and shall be the chief executive officer and the head of the police of the city; and he shall have the power, whenever in his opinion the exigency of the case shall require it, to appoint as many special or temporary police as he may deem necessary; but such appointment of such police shall not continue after the next meeting of the council without the approval of the council, and then only such of them and for such specified time, not exceeding ninety days, as the common council may designate.

SECTION 3. The mayor may call special meetings of the common council by notice to each of the members of said council, served personally or left at their usual place of abode. May call special meetings.

SECTION 4. At the first meeting of the common council in each year, the aldermen shall proceed to elect by ballot one of their number president, and in the absence of the mayor the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city or his inability from any reason to discharge the duties of his office, the said president shall have and exercise all the powers and perform all the duties of mayor, until the mayor shall resume his office, or the vacancy be filled by a new election. In case the mayor and president shall be absent from any meeting of the common council, they shall proceed to elect a temporary presiding officer, who for the time being shall discharge all the duties of mayor. The president, or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and may vote as an alderman but not as mayor. Shall elect one of their number president.

SECTION 5. The members of the common council shall be fire-wardens and conservators of the peace, and shall be exempt from jury duty during their term of office. Exempt from jury duties.

SECTION 6. The clerk shall keep the corporate seal and all papers belonging to said city, and make and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall likewise draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns; and all chattel mortgages so filed, shall be as valid and have the same effect as if the same had been filed in the town clerk's office of any town. He shall annually, on or before the first Monday of May, in each and every year, make or cause to be made a correct list and enrollment of all persons within the several wards Duties of clerk.

liable to perform highway work. One copy thereof he shall deliver to the street commissioner and one copy he shall file in his office. It shall be his duty to do and perform every act required to be done by the clerks of towns, not inconsistent with the provisions of this act, and shall have authority to administer oaths and affirmations, and shall receive a salary to be fixed by the common council. Such clerk may appoint a deputy, subject to the approval of the common council, to act in the absence or disability of the clerk.

Duties of treasurer.

SECTION 7. The treasurer shall receive all moneys belonging to the city and to the several wards, and keep his books and accounts in such manner as the common council may prescribe, and such books and accounts shall be always subject to the inspection of the members of the common council, and committees appointed by the council to inspect the same.

Shall keep separate account.

SECTION 8. The treasurer shall keep a separate account of the funds of each ward and the city, and each fund or appropriation, and the debts and the credits belonging thereto. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and upon what account paid, and file a duplicate thereof in his office.

Shall render an account.

SECTION 9. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the finance committee appointed by the common council, showing the state of the treasury at the date of such account and the balance of money in the treasury, and all the receipts and expenditures of the month, and it shall be the duty of such finance committee to report the same to the common council at its next meeting thereafter. The treasurer shall also accompany such account with all orders redeemed and paid by him, which said account and order, with any and all other vouchers held by him, shall be delivered over to the city clerk, and filed in his office, after the same shall have been examined by the common council.

Shall report to council annually.

SECTION 10. The treasurer shall also report to the common council annually, in the month of March, at least two weeks before the annual election, and oftener if required, a full and detailed account of all receipts and expenditures, and the state of the treasury. He shall also keep a register of all orders redeemed and paid into the treasury during the year, describing such order, amount, number, the fund from which payable, and the persons to whom paid, specifying also the time

of the receipt thereof; and all such orders shall be examined at the time of making such annual report to the common council by the finance committee, who shall examine and compare the same with the books of the clerk and files in his office, and report discrepances, if any, to the common council.

Further duties of the treasurer.

SECTION 11. The treasurer shall keep all moneys in his hands belonging to the city or any of the wards, distinct and separate from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, any such moneys, or the orders in his custody and keeping, for his own use and benefit, or that of any other person or persons, whomsoever; and any violation of this provision shall subject him to immediate removal from office by the common council, which is hereby authorized to declare said office vacant and to appoint a successor to said officer, who shall hold his office for the remainder of the unexpired term of such officer so removed. And if the treasurer, or any person or persons connected with him in the collecting, safe keeping and disbursing of said city and ward funds, or either of them, shall convert to his or their own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan with or without interest, any portion of said city or ward funds entrusted to him or them for safe keeping, disbursement, payment, transfer or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be so taken, converted, used or loaned, which is hereby declared an embezzlement within the meaning of section 4418 of chapter 182 of the revised statutes of 1878; and every officer or agent of said city, and all persons advising or participating in such act, or being a party thereto, shall upon conviction before a court of competent jurisdiction in this state, be punished as provided in section 4418 of chapter 182 of the revised statutes of 1878.

Additional duties.

SECTION 12. The treasurer shall have power and perform the duties hereinafter prescribed, in the collection of taxes and assessments, and in addition thereto have the same powers and duties, and be subject to the same liabilities as treasurers in towns, so far as said powers, duties and liabilities are not inconsistent with the provisions of this act, and shall receive for collecting all taxes and assessments levied by said city, and for all other services performed by him as treasurer of

said city, such annual compensation or salary, to be paid quarterly, as shall be fixed by the common council, on or before the first of March, for the ensuing year, which salary shall not be increased nor diminished during his term of office; and all fees received by said treasurer as such treasurer shall be paid into the treasury of and belong to said city, and shall constitute a part of the general fund.

Shall file report.

SECTION 13. The treasurer of the city shall, in each year, and within ten days after he enters upon the duties of his office, file with the city clerk a report, made under oath, stating the amount of money in his hands belonging to the different funds, and a full statement of the situation of the treasury. If the treasurer shall refuse or neglect to make such report within the time aforesaid, his office shall be deemed vacant, and the common council shall proceed to elect his successor by ballot.

Treasurer shall file report.

SECTION 14. The treasurer shall, on the first Tuesday of April in each year, if directed by the common council, file a report in the city clerk's office, which shall contain a full statement of all moneys received by him during the year, and the manner in which the same has been disbursed, and a full and complete statement of the treasury at the date of such report; and the reports mentioned in this section shall be under oath, and shall be published, when directed by the common council; and the reports required by sections 13 and 14 shall not be construed to dispense with the making of any reports now required to be made by the treasurer.

Penalty for refusal.

SECTION 15. If the treasurer shall refuse or neglect to make his report in accordance with the preceding section, he shall forfeit and pay for the use of said city the sum of one hundred dollars; but this provision shall not in any way affect its liability upon his official bond.

Persons elected to office of constable.

SECTION 16. Every person elected to the office of constable under this act shall, before he enters upon the duties of his office, with two or more sureties to be approved by the common council, execute in the presence of the clerk of said city, an instrument in writing, by which said constable and sureties shall jointly and severally agree to pay to each and every person who shall be entitled thereto, all such sums of money as the said constable may be liable to pay by reason or on account of any summons, execution or other process or proceeding which shall be delivered to him for collec-

tion, and for all moneys which may come into his hands as such constable. The clerk shall certify the approval of the common council on such instrument, and file the same in his office, and a copy thereof certified by the clerk under the corporate seal of said city shall be presumptive evidence in all courts and places of the execution thereof by such constables and sureties; and such constable shall have and possess all the powers of constables in towns.

Duties of city attorney.

SECTION 17. The city attorney shall act as attorney and counsel for said city in all suits or legal proceedings in which the city shall be interested, shall attend all meetings of the common council, shall give opinions on all matters referred to him by said common council, or any authorized committee thereof, when thereunto requested by such common council or such committee, and generally to attend to all legal business of said city, and for his services so rendered shall receive a salary to be fixed by the common council, together with a payment of any expense or disbursement necessarily incurred by him while in the performance of his said duties.

Duties of city marshal.

SECTION 18. The city marshal, when appointed, shall have all the powers of a constable under the laws of this state. It shall be his especial duty to cause all laws, ordinances, orders, resolutions and by-laws in force in this city to be kept, observed and performed, and to do and perform such acts and duties as said council shall from time to time direct and prescribe. The common council shall fix the salary of said marshal at such sum per month as it shall deem just and all legal fees to which he shall become entitled as such marshal shall belong to said city and shall become a part of its general fund. It shall be the duty of such marshal to keep an account of all fees that shall become due to him as such marshal, and report the same in writing to the common council monthly, under oath, giving a detailed statement from whom due and the title of the cases, and before whom the same were brought, together with such additional information relating thereto as the council shall require. All such fees shall be paid to the treasurer of said city for said city, by the judge, justice, person, town, city or county from whom the same are due, or in whose custody the same may be, on demand therefor; and said marshal shall, in all ways and upon request, do any act or thing necessary to enable said city to collect such fees.

Street commissioner.

SECTION 19. The street commissioner shall take the oath of office prescribed for the aldermen, and shall within five days from the date of his appointment give a bond to the city in the penal sum of one thousand dollars, with good and sufficient sureties, to be approved by the mayor, conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come in his hands by virtue of his office.

Duties of street commissioner.

SECTION 20. It shall be the duty of such street commissioner, within ten days after his appointment, confirmation and qualification, and at any other time he may deem necessary or the common council shall direct, to inspect all the streets and highways of the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts and bridges; and all things and matters appertaining to the streets and highways, and report in writing to the common council recommending what, in his opinion, is necessary and ought to be done thereto, and he shall make and keep a duplicate of his report. On receipt of said report the common council may consider the same, add to, amend, strike out, or change any item as it may deem best, and direct said commissioner to do or cause to be done under his supervision, all or any part of the work mentioned in said report. The city clerk shall certify to said street commissioner the action of the council thereon. Upon receiving the same, said commissioner shall proceed and cause to be executed under his immediate supervision, all such necessary work or repairs as shall have been directed by the common council, in such manner and by such means as it may from time to time direct; but in no event shall said commissioner incur any indebtedness otherwise than that provided by the common council.

Duties of commissioner.

SECTION 21. The street commissioner may add to the list of persons liable to perform highway work, furnished him by the clerk as provided in this act, the names of persons liable to perform said highway work not included in such list.

Duties of commissioner.

SECTION 22. It shall be the duty of the street commissioner to give at least three days' notice to each person mentioned in said list, either personally or in writing left at his usual place of abode, of the time and place within his ward such labor shall be required; and said street commissioner may require all persons

offering to pay in labor to furnish a spade, shovel, ax, or hoe. Every person intending to pay his said tax in labor, who shall, upon notice, appear and work agreeably to the direction of said street commissioner, shall be credited on his tax one dollar for each day's work of eight hours actually performed by him. If any person notified shall neglect to appear and work on any street, highway, or lane at the time and place specified in the notice required to be given, such person shall not thereafter be entitled to pay his highway tax for that year in labor.

SECTION 23. It shall be the duty of said street commissioner to collect the money of the persons so liable to perform highway work, where they elect to pay the same or to commute the same, as now provided by law.

SECTION 24. In case any person who may be liable to pay a poll tax as provided for in this act, shall refuse to work or pay the same, it shall be the duty of said street commissioner to proceed and collect the same in the manner now provided for in section 911 of chapter 40 of the revised statutes of 1878, and the same powers are conferred upon said street commissioner in collecting the same as are conferred upon town and village treasurers by said section and act; said money, when so collected to be paid into the treasury of said city of Janesville, and become a part of the ward fund of the ward in which the person paying the same shall reside, and shall be expended only by direction and order of the common council, upon the streets and highways of said city. Poll tax.

SECTION 25. The said commissioner shall have control and charge of all teams, wagons, tools and implements owned by said city and used upon the streets of said city. He shall also employ such help, teams, tools and implements as he may require for the performance of all work necessary to be done by him, and shall carry out the details of the general plan laid out for him by the common council, and by the highway, street and bridge committee. He shall keep a record time book of the time of all persons and teams employed by him, where employed and what materials used, and where used, and the price to be paid for help, teams and materials; and no bill for services or materials furnished and used upon the streets shall be allowed by the common council unless first certified to as correct by said commissioner, and in no event shall said street commissioner be interested in or own any teams employed Shall have charge of all teams.

by him in performing any work provided to be done by the provisions of this act; he shall also perform such other duties as the common council shall direct, relative to streets.

Price paid to employees, etc.

SECTION 26. The maximum price to be paid for employes and teams shall be fixed by the council, but the said commissioner shall have the selection and control of the employes and teams so used. It shall also be the duty of said commissioner to make to the common council an annual report of his doings, or oftener if required by them, giving in detail where and what work has been done or performed, where and by whom performed, the amount by him certified to the respective persons who performed work, furnished teams, materials, tools and implements, together with such other information as the said council may direct or demand. Said respective reports shall have annexed thereto an affidavit, signed by and sworn to by said street commissioner before some person authorized to administer oaths, stating that said reports are in substance and detail true, and for any false swearing in connection with said reports by said commissioner he shall be deemed guilty of perjury and be subject to be punished as one guilty of perjury under the laws of this state.

Duties of sealer.

SECTION 27. The sealer of weights and measures shall keep the weights and measures, scales and beams owned by the city, and he shall prove and seal all scales and beams owned by the city, and he shall prove and seal all scales, beams, weights and measures presented to him for that purpose, and shall be entitled to receive from the person presenting the same a fee of six cents for the first sealing of every weight, measure, scale or beam, and four cents for every subsequent sealing of the same, and a reasonable compensation for all alterations made in said articles; he shall also provide and keep a seal like unto the seal required by law to be kept by the state treasurer. with which he shall seal all such scales, beams, weights and measures.

Further duties.

SECTION 28. If the sealer of weights and measures shall neglect to perform his duties as prescribed in this act, he shall forfeit for each neglect the sum of five dollars. Once in every three years he shall cause the said standards in his keeping to be tried, proved and sealed by the county standard, under the direction of the county treasurer.

Shall prescribe duties of all officers appointed.

SECTION 29. The common council shall have power from time to time to require further and other duties

of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office by this act, whose duties are not herein specially mentioned, and fix their compensation.

They may also require bonds to be given to the city of Janesville by all officers, for the faithful performance of their duties.

Officers to execute bond.

SECTION 30. The treasurer and all other officers and agents of said city shall severally, before they enter on the duties of their respective offices, execute to the city of Janesville a bond, in such sum and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their offices, and account for and pay over all moneys and other property received by them as such officers, which bonds, with the approval of the common council, certified thereon by the clerk, shall be filed with the clerk.

Shall deliver to successor.

SECTION 31. If any person having been an officer in said city shall not, within ten days after notification and request, deliver to his successor in office all the property, papers and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay to said city one hundred dollars, besides all damage caused by his neglect or refusal to deliver, and such successor shall and may recover possession of the books, etc., appertaining to his office, in the manner prescribed by the laws of this state.

CHAPTER IV.

OF THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

General powers and duties.

SECTION 1. The mayor and aldermen shall constitute the common council of said city, and the style of all ordinances shall be, "The mayor and common council of the city of Janesville do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum for the transaction of business.

Meetings, regular and special.

SECTION 2. The common council shall hold stated meetings, and a majority of the aldermen may call special meetings by notice to each of the members of said council, served personally or left at their usual place of abode. The council shall determine the rules of its own proceedings, and be judges of the election and

qualification of its own members, and have power to compel the attendance of absent members.

Shall have control of property in city.

SECTION 3. The common council shall have the care, management and control of the property of the city, and its finances, as in this act provided. It shall have the power to make, enact, ordain, establish, publish and enforce such ordinances as it shall deem expedient, not repugnant to the constitution and laws of this state or of the United States, and to alter, amend, modify and repeal the same, for the good government of the city, the preservation of peace and good order, the suppression of vice and immorality, the benefit of trade and commerce, and the health and safety of the inhabitants thereof, and such other ordinances, rules and regulations as may be necessary to carry such power into effect. It is also particularly authorized to enact ordinances for the following purposes:

Prevent vice.

First. To preserve peace and good order, and to restrain and prevent vice, immorality and every kind of fraudulent device and practice.

Second. To restrain, prevent and suppress houses of ill-fame, disorderly and gaming houses, billiard tables and all instruments and devices for gaming, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

To punish vagrancy.

Third. To restrain and punish vagrants, mendicants, street beggars, drunkards and persons soliciting alms, keepers of houses of ill-fame, common prostitutes, bawds and disorderly persons, and to prevent drunkenness and disorderly and immoral conduct and obscenity in public places and streets, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

Prevent riots.

Fourth. To prevent any riots, noises or publi, disturbances, and all disorderly assemblies.

License auctions.

Fifth. To regulate and license auction sales, and to prohibit hawking and peddling in the streets without license.

To prevent the giving away of spirituous liquors, etc.

Sixth. To prevent the selling, dealing in or giving away any strong, spirituous, vinous and fermented liquor or liquors, unless duly licensed thereto by the common council, as hereinafter provided.

Regulate keeping and sale of gunpowder.

Seventh. To regulate the keeping and conveying of gunpowder, camphene, burning fluid, and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

Appoint places to sell wood, hay, etc.

Eighth. To appoint and establish places for exposing for sale wood, coal, hay, straw and lime, wheat

corn, oats, barley and all other articles brought into said city for sale, and regulate the selling of the same.

Ninth. To restrain and regulate the soliciting of passengers for any means of public conveyance, and of guests for taverns, hotels and public boarding houses. and the ringing of bells. Runners for hotels, etc.

Tenth. To license, regulate and suppress draymen, hackmen, porters, omnibus drivers, cabmen, carmen, and other persons who may pursue like occupations, with or without vehicles, and to limit their compensation. License draymen.

Eleventh. To license, regulate and restrain all exhibitions of natural or artificial curiosities or animals, all theatrical or other shows, exhibitions, musical entertainments, circuses, and all other exhibitions, amusements or performances for money. License exhibitions.

Twelfth. To punish by fine or otherwise the use of false weights or measures. False weights.

Thirteenth. To direct and require the keeping of bills of mortality by physicians, sextons and others. Bills of mortality.

Fourteenth. To regulate or prevent the running at large of dogs, and to destroy them, and to impose a tax upon owners or possessors of dogs. Destroy dogs.

Fifteenth. To restrain and prohibit the running at large of cattle, horses, mules, sheep, swine and geese in said city, and to cause such as may be found running at large to be impounded, forfeited and sold to discharge the penalty for the violation of the ordinance, and the expenses of impounding and sale. Restrain cattle.

Sixteenth. To establish and regulate public pounds, and to appoint masters thereof from time to time. Public pounds.

Seventeenth. To determine what are nuisances and to prevent, abate and remove the same. Nuisances.

Eighteenth. To prevent and punish horse-racing and immoderate driving or riding in the streets or highways, and every game, practice or amusement in the streets or elsewhere, having a tendency to frighten teams or horses, or to annoy persons passing in or along the streets or highways, or to endanger property. Horse racing.

Nineteenth. To prevent the discharge of firearms, rockets, gunpowder and fireworks of every description, in any place which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof. Discharging firearms.

Twentieth. To erect and maintain lamp posts along any of the streets, or on the public grounds of said city, and to protect the same from injury and to prevent interference therewith, and to light the streets, pub- To erect and maintain lamp posts.

lic grounds and buildings in said city, with gas or other light.

Public wells.

Twenty-first. To establish, make and regulate public wells, aquaducts and reservoirs for water for the protection of the inhabitants of the city, and its protection against fires, and to prevent unnecessary waste of water.

Clear sidewalks.

Twenty second. To compel all persons to remove the dirt, snow and ice from the sidewalks in front of the premises occupied or owned by them, and to keep the streets swept in front of such premises, and to prevent the encumbering of the streets, sidewalks and crosswalks with carriages, wagons, carts, sleds, sleighs, wheelbarrows, boxes, wood, lumber, timber or other substances or materials whatsoever, and to prohibit excavating on streets or the raising or lowering the surface of streets, crosswalks or sidewalks, above or below the established grade, or the interference in any manner with the established grade of streets, and to prohibit injury to sidewalks.

Street encroachments.

Twenty third. To remove all encroachments upon streets or highways.

Duties of constables.

Twenty-fourth. To prescribe the duties of constables designated to perform police duties, chief engineer and members of the fire department in said city, and the duties of citizens upon occasions of fires.

Fire-buckets.

Twenty-fifth. To require the occupants of buildings to provide themselves with fire-buckets, and to prescribe the manner in which they shall be marked and kept, and to regulate their use at fires.

Draining.

Twenty-sixth. To compel railroad companies and other corporations and persons to do all needful and proper draining, grading and filling upon the lands owned or occupied by them within the limits of said city; to compel railroad companies to construct and keep in repair suitable street crossings and carriage ways over their several tracks; and place flagmen at such street crossings in said city as said council may designate; to regulate and restrain the speed of cars in passing through said city, and to prevent the obstruction of streets, lanes and highways by the cars of said companies, and to regulate the putting up of all necessary signs to beware of cars at railroad and street crossings.

Regulate construction of chimneys.

Twenty-seventh. To regulate the construction of chimneys, and to compel the cleaning thereof by the owners.

Construction of chimneys.

Twenty-eighth. To prevent the dangerous construction or condition of chimneys, fire-places, hearth-stones

stove-pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition and to direct and regulate the manner of keeping ashes.

Twenty-ninth. To regulate and provide the carrying on of manufactories dangerous in causing or promoting fires, or disagreeable or unwholsome odors. **To regulate manufactories.**

Thirtieth. To compel the owners or occupants of buildings to have scuttles in their roofs, and stairs and ladders leading to them. **Roof scuttles.**

Thirty-first. To authorize the mayor, aldermen, constables, engineer and other officers of the city, to keep away from the vicinity of any fire all idle and suspicious persons, and to compel all persons in said city to aid in the extinguishment of fires and the protection and preservation of property thereat. **Order at fires.**

Thirty-second. To authorize and require the fire wardens in said city, or other officers, to enter all buildings and enclosures at proper times, to ascertain whether their arrangements for fire, or the preservation of ashes are dangerous, and to cause such as are dangerous to be put into a safe condition. **To enter buildings.**

Thirty-third. To organize a board of health, and to provide measures for the preservation of the health of the inhabitants of said city, and to prevent the spread of infectious or pestilential diseases therein. The board of health shall consist of the senior alderman of each ward, the mayor, who shall be its president, and a practicing physician. Such physician shall be elected by the common council, by ballot, and shall hold his office during the pleasure of the council. Such physician shall be known and designated as the health officer of the city of Janesville. Such health officer, or in case of his absence or disability, any member of the board of health, shall have such powers and perform such duties as the common council by ordinance or otherwise shall direct. The health officer shall be compensated as the common council may direct. The city clerk shall be ex-officio clerk of the board of health. The common council may by ordinance authorize the board of health to make and enforce such orders, rules and regulations, not inconsistent with the charter or any ordinance of said city, as they shall deem most effectual for the preservation of the public health; but no order, rule or regulation of said board imposing a penalty, shall take effect and be in force, until the same shall have been published at least six days successively, in a daily newspaper published in said city. **Board of health.**

Trees

Thirty-fourth. To direct or compel, and regulate the planting, rearing and preservation of ornamental trees in the streets and public grounds in said city.

Public parks.

Thirty-fifth. To improve and ornament public parks and pleasure grounds, and by ordinance or resolution, regulate their preservation and use.

Survey of Rock river.

Thirty-sixth. To cause to be made a survey of Rock river, which within the city limits is hereby declared to be a public highway, and to establish the boundary thereof, and generally to exercise the same powers over said river within the limits as they may do over the streets and highways in said city, under and by virtue of this act; provided, that nothing in this act shall be so construed so as to give said city of Janesville the right to obstruct the navigation of said river; provided, further, that the cost of such survey shall be paid by the property bounded by said river.

Burial of the dead.

Thirty-seventh. To prevent the burial of the dead within the limits of said city.

Weights and measures to be sealed.

Thirty-eighth. To require every merchant, retail trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his weights and measures to be sealed by the city sealer of weights and measures, and to be subject to his inspection, the standard of which weights and measures shall be conformable to those now established by law.

SECTION 4. The common council shall have power by ordinance, resolution or order:

Cleanse nauseous places.

First. To compel the owner or occupant of any grocery, cellar, chandler's shop, soap factory, tannery, stable, slaughter house, barn, privy, sewer, or other unwholesome or nauseous house, building or place, to cleanse, remove or abate the same, whenever and as often as it shall deem it necessary for the health, comfort and convenience of the inhabitants of said city; and in case such owner or occupant will not, or shall neglect to proceed as directed to cleanse, remove or abate the same, to cause it to be done at the expense of such owner or occupant, and to recover such expense in a civil action against such owner or occupant, as the case may be.

Remove dead carcasses.

Second. To require the removal or destruction of any dead carcass or other unwholesome or offensive substance or substances likely to become unwholesome or offensive from any street, lot or building, by the owner or occupant thereof, and in case such owner or occupant will not proceed as required to remove or des-

troy the same, then to cause the same to be done at the expense of such owner or occupant, and to recover such expense of such owner or occupant, as the case may be, in a civil action.

Infectious diseases.

Third. To make and establish such rules and regulations as it may deem necessary to prevent the introduction into said city, or the spread thereof, of any pestilential or infectious disease, and to cause any person or persons not residents of the city infected with any such disease, to be removed to some suitable and proper house or hospital within the city, to be nursed and treated for such disease.

To require removal of buildings, fences, etc.

Fourth. To require any building, fence or other erection which may be placed within or erected upon the boundary of any street or highway in said city, to be removed therefrom by the owner or occupant, and in case of his neglect to remove the same to cause it to be removed at the expense of such owner or occupant and to recover such expense in a civil action against such owner or occupant.

License shows, etc.

Fifth. To license and regulate the exhibition of natural and artificial curiosities, caravans, circuses and other shows and exhibitions, musical entertainments, the keeping of billiard tables, pin alleys, nine or ten pin alleys, and ball alleys, and issue licenses to hotel, tarvern, saloon, grocery and victualing house keepers, and all persons who may desire to vend or deal in spirituous, vinous or fermented liquor and liquors; provided, that all licenses for the sale of spirituous, vinous and fermented liquors which are issued shall expire on the first day of May in each year, unless sooner revoked, and may be granted for a less period than one year.

License liquors.

Sixth. To establish the sum to be paid therefor, which for license for vending and dealing in spirituous, vinous and fermented liquors shall not be less than fifty nor more than one hundred and fifty dollars per annum, and pro rata for any less time than one year. Provided, that no such license shall be granted except upon the application in writing of the applicant, therein describing particularly, the place where, in said city, he desires to deal in or vend such spirituous, vinous, or fermented liquor or liquors; and provided further, that no such license shall be issued to such applicant until he shall, with two or more sureties to be approved by the common council, execute in the presence of the city clerk an instrument in writing by which such person so applying for such license and sureties, shall jointly

and severally agree to pay to the city of Janesville the sum of one hundred dollars for each and every violation of any ordinance, rule or resolution or by-law of said city in relation to the vending or dealing in such liquor or liquors in force in said city at the time of such violation. No provision in this act shall be construed as giving any power to said common council to grant a license to any person or persons to sell, vend, give or deliver in any way, to any minor any spirituous, vinous or fermented liquor or liquors, nor to sell, vend, give or deliver in any way, to any person or persons, any spirituous, vinous or fermented liquors on the day of any election in said city, nor on Sunday. No license granted under the provisions of this act shall be transferable, nor shall the privileges of any license granted under this act be exercised in any other place or building than the one described in the application therefor, without the consent of the council thereto, and upon such conditions as it may impose. No license shall be granted for the keeping of any billiard table, pin alley, nine or ten pin alley, for a sum less than twenty-five dollars for each and every billiard table, pin alley, nine or ten pin alley or ball alley so licensed.

To annul licenses.

Seventh. To revoke, vacate and annul any license by it granted for any violation of any provision of this act, or any ordinance, resolution, rule, order, regulation or by-law of the common council of said city, relating to the subject matter of such license, and for keeping a disorderly house or place where any billiard table, pin alley, nine or ten pin alley, or ball alley is kept, or such liquor or liquors are sold, vended or dealt in, and for vending, selling, giving away or delivering in any way such liquor or liquors to any minor, and for selling vending, giving away or delivering in any way to any person or persons, any spirituous, vinous or fermented liquor or liquors on the day of any election in said city, or on Sunday; provided, that no license shall be revoked, vacated or annulled, except on notice in writing setting forth the acts or omissions complained of, to the person having such house, notifying him or her to show cause before the common council of said city on a day certain, therein to be inserted, why his or her license should not be revoked, vacated and annulled.

May remove officers.

SECTION 5. The common council shall have power, by an affirmative vote of two-thirds of its members, for due cause, to expel any of their own members, and

to remove from office any officer or agent under the city government, due notice being first given to the officer or agent complained of to appear and show cause before the common council why he should not be removed. The common council shall have power to compel any and all persons in said city to appear before it and testify on any hearing or proceeding instituted to remove from office any officer mentioned in this act, or any agent under said city government, for any violation of duty or of any provisions of this act, or of any ordinance, resolution, rule, order, regulation or by-law of the common council of said city, either of omission or commission, and such violation shall be cause for removal, and to revoke and vacate any license granted under this act; and for that purpose said council may make its order commanding the person or persons therein named to appear before it and testify, which order shall be certified by the clerk of said city, under the corporate seal thereof, and personally served on the person or persons therein named, by delivering to each a true copy thereof; and for the purpose of compelling such appearance before it, and the giving of the testimony on such hearing or proceeding, the said common council are hereby vested with the same power and authority possessed by any court of record in this state, and any violation or disobedience of such order shall subject the person violating or disobeying the same to the same penalties attached by the laws of the state to the violation of or disobedience to the commands or requirements of a subpœna issued out of any court of record in this state.

May enforce observance of ordinances.

SECTION 6. The common council may enforce observance of all ordinances, resolutions, rules, orders, regulations and by-laws which it is permitted to make, ordain and pass, in order to carry into effect the powers vested in it by the imposition of fines or penalties on the persons violating the same, not exceeding fifty dollars for one violation, except in cases herein otherwise provided to be recovered in a civil action in any court having cognizance thereof; and shall have the power to appoint or employ an attorney to aid in conducting any legal business of said city.

Vote to be affirmative.

SECTION 7. All laws, ordinances, resolutions and by-laws mentioned in this chapter shall be passed by an affirmative vote of a majority of the common council present except as herein otherwise provided, and shall be signed by the mayor or presiding officer, ex-

cept as provided in section two (2) of chapter three (3) of this act.

Free bridges.

SECTION 8. The common council shall have power and it is hereby authorized to provide for, construct and maintain free bridges at such points over Rock river and Spring brook within the limits of said city as may be designated by said council, and to repair and rebuild the same, and whenever it shall become necessary to construct the same or rebuild any of the bridges heretofore or hereafter construced across said river or said brook, the common council may by a vote of a majority of its members levy a tax upon the real and personal property in said city, and collect such sum or sums, not exceeding twenty thousand dollars in any one year, as may be necessary for that purpose, or in case said council shall deem it expedient and best, it may by a vote of a majority of its members borrow such sum or sums, not exceeding the aforesaid sum in any one year, as may be necessary for the purposes aforesaid, and issue the bonds of said city therefor in such form and of such amounts as it shall deem best, and bearing interest at a rate not exceeding eight per cent. per annum, the principal and interest to be payable at such time and place as the council may direct, and in case said common council shall borrow any sum or sums and issue bonds therefor, said council shall have power and are hereby authorized to annually levy a tax upon the real and personal property in said city and collect such sum as may be necessary to pay and discharge the interest on said bonds, and when the principal sum secured by said bonds shall become due said council shall have power and it is hereby authorized to levy a tax upon said property and collect the amount due upon said bonds; provided, that the common council shall not have power to construct any bridge over Rock river or Spring brook at any place where no bridge now exists, without first submitting to the electors of said city the question whether or not a special tax shall be levied for such purpose. Such question shall be submitted in the manner required in section 25 of chapter XII. of this act for submitting questions to the electors of said city. If two-thirds or more of all the legal votes cast shall be in favor of levying said tax, it shall be lawful for the common council to construct such bridge and to levy and collect such special tax, and to use the same for the purpose for which it was raised.

CHAPTER V.

PROCEDURE FOR VIOLATION OF CHARTER AND ORDINANCES.

SECTION 1. The office of police justice in said city is hereby abolished, and the records, papers and dockets belonging or pertaining to said office shall be delivered to the judge of the municipal court for Rock county. The judge of said court shall keep in his office said records, papers and dockets, and is hereby authorized and directed, upon request, to issue executions upon any judgment appearing on said dockets and to make transcripts of any judgment, record or paper so transferred and certify to the same, in the same manner and with like effect as if such record judgment or paper had been originally made, entered or filed in said municipal court. Violation of charter and ordinances.

SECTION 2. The city of Janesville may sue for and recover any and all penalties or forfeitures under the charter of said city or any amendment thereto, or the ordinances, by-laws, police or health regulations made in pursuance thereof, in the corporate name of said city of Janesville, any general law of the state to the contrary notwithstanding; and such action shall be commenced by complaint, substantially in the following form: Forms.

STATE OF WISCONSIN,
Rock County, City of Janesville. } ss.

—— —— being duly sworn, complains on oath to —— ——, that —— —— did, on the —— day of ——, 18—, violate the —— section of an ordinance, by-law or resolution, (describing it by its title and briefly setting forth the offense complained of), which said —— is now in force, as this deponent verily believes, and prays that said —— —— may be arrested and held to answer to the said city of Janesville therefor.

Sworn and subscribed to before me this —— day of ——, 18—.

It shall be sufficient to give the number of the section or sections, and the title of the ordinance, by-law, regulation or resolution, or of the law violated, in such complaint, briefly setting forth the offense complained of. And said complaint may be sworn to before any officer authorized to administer oaths in this state. Upon the filing of such complaint with the judge or justice having jurisdiction, a warrant shall issue thereon, substantially as follows:

Forms.

STATE OF WISCONSIN, }
Rock County, City of Janesville. } ss.

The State of Wisconsin, to the sheriff or any constable of said county, or to the marshal of said city of Janesville, greeting:

Whereas, —— —— has this day complained to me, in writing, on oath, that —— —— did, on the —— day of ——, 18—, violate the —— section or sections of an ordinance, by-law, regulation or law, (describing it by its title and briefly setting forth the offense complained of), which said —— is now in force and effect, as said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said —— ——, and him forthwith bring before —— ——, to answer to said city of Janesville, on the complaint aforesaid.

Given under my hand, this —— day of ——, 18—.

The defendent in any such action may be arrested upon service of the warrant or process by which the action is commenced. Upon the return of the warrant the court may proceed summarily with the case, unless it be continued by consent or for cause, as in other cases provided by law. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his appearance, in such sum as the court shall direct; or in default thereof may be put in charge of the officer who made the arrest, or be committed to the common jail of Rock county. The complaint made aforesaid shall be the complaint in the action, and the plea of not guilty shall put in issue all matters of defense in the action.

Printed copy to be valid.

SECTION 6. A printed copy of an ordinance, by-law or resolution, passed by the common council, and published in a newspaper, or in pamphlet or book form, shall be prima facie evidence of its due passage and publication, and that the same is in force, and may be received in evidence. After issue joined, and before trial, in all city cases the defendant may demand a jury; and if no demand of a jury be made, it shall be deemed a waiver of a jury trial.

Witness shall attend without fees.

SECTION 7. Witnesses and jurors shall attend in all city prosecutions, without the payment of fees in advance, upon process of the court duly served, and in default thereof, their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged, and therupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

SECTION 8. In city prosecutions, the finding of the court or jury shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture; and where the same is not to exceed a certain sum, and not less than a certain other sum, shall fix the amount of such fine, penalty or forfeiture as he shall deem best within the provisions of such ordinance, by-law or resolution, for the violation of which the person or persons shall have been adjudged guilty, and for the costs of suit. But if not guilty, the costs, as in actions in justice's court, shall be taxed against the city. Execution shall issue forthwith upon the rendition of the judgment, unless the same be stayed or appealed as hereinafter provided, and the fine or penalty imposed by the court may be enforced and collected by levy and sale, on execution, of the property of the defendant, as provided by law in civil actions before a justice of the peace. Finding of jury.

SECTION 9. The execution upon any judgment recovered in any such action may require that in case nothing shall be found from which the amount can be collected, the defendant shall be taken and imprisoned in the jail of Rock county for a term of not exceeding sixty days, unless the judgment be sooner paid, and the term of such imprisonment shall be inserted in the execution and commitment. In case nothing be found from which the amount can be collected, the defendant shall be imprisoned in the jail of Rock county according to the terms of the execution. Such execution may be in the following form:

State of Wisconsin, Rock County, City of Janesville—ss. Form.

The state of Wisconsin, to the sheriff or any constable of said county of Rock, the city marshal, and the keeper of the common jail of said county:

Whereas, the said city of Janesville, on the —— day of ——, 18—, recovered a judgment before the —— —— of said ——, against —— ——, for the sum of —— dollars, together with —— dollars, costs of suit, for the violation of (here insert the number of section, title of the ordinance, and offense, as set forth in the complaint). These are, therefore, in the name of the state of Wisconsin, to command you to levy distress on the goods and chattels of the said —— ——, (excepting such as the law exempts, and make sale thereof according to law in such case made and provided, to the amount of said sums, together with your fees, and twenty-five cents for the execution; and the same re-

turn to me within thirty days; to be rendered to the said —— ——, for said judgment and costs, and for want of such goods and chattles whereon to levy, to take the body of the said —— —— and him convey and deliver unto the keeper of the common jail of said county, who is hereby commanded to receive and keep the said —— —— in safe custody in said prison for the term of ——, unless the aforesaid sum and all legal expenses be sooner paid and satisfied, or until he be discharged thence by due course of law.

Given under my hand, this ——— day of ——, 18—.

—— ——.

Form of commitment.

SECTION 10. The form of commitment may be substantially the same as that of the execution, leaving out all that relates to levy and sale, and return of the writ.

Payment of fines.

SECTION 11. All penalties forfeitures, fines or claims, due to said city when paid to the magistrate authorized to receive the same, shall be paid by him to the city treasurer within one week after the receipt thereof by him. Whenever execution shall be issued upon any judgment in favor of the city, the same shall be returned by the officer receiving the same to the judge or justice who issued it, on or before the return day thereof, and if such officer neglect to return the same for five days after the return day thereof, the judge or justice shall report the fact to the city treasurer, who shall cause an action to be brought in the name of the city against the officer and his sureties for the default

Appeals, how taken.

SECTION 12. Appeals shall be allowed in all said cases to the circuit court, and taken in the same manner as appeals from justices of the peace. The defendant in all city prosecutions may appeal to the circuit court of Rock county, by filing an affidavit and bond, and complying with the requirements of appeals in civil cases, before justices of the peace; provided, however, that such appeal shall be taken and perfected within forty-eight hours from the time judgment is rendered in the suit. Upon any appeal being taken and allowed, the judge or justice shall stay all further proceedings in the case, and the defendant, if in custody, shall be discharged, and the judge or justice shall transmit the papers in the case so appealed, with a transcript of his docket to the clerk of the circuit court, within the time and in the manner prescribed in cases appealed from justices of the peace.

Fees, how allowed.

SECTION 13. The jail fees and officers' fees for commitment on prosecution in behalf of the city shall be

audited and allowed by the common council when the same cannot be collected of the defendant, before his discharge; and said common council may by resolution direct the judge or justice to discharge from the jail any person confined for a judgment due said city; but such discharge shall not operate as a release of the judgment, unless said common council shall so direct in their resolution. Upon filing a certified copy of such resolution, attested by the clerk of the common council, the judge or justice shall order such defendant discharged from custody, and make an entry of such discharge on his docket; an execution may issue or be renewed by endorsement from time to time, before or after the return day thereof, and before or after the commitment of the defendant, until the judgment is satisfied or released, but after the defendant shall have been once committed, no execution shall be issued against the body of the defendant in the same action.

CHAPTER VI.

FINANCE AND TAXATION.

SECTION 1. The common council shall have power to order:

First. To annually levy and collect taxes not exceeding seven thousand five hundred dollars on the assessed value of the real and personal property in the said city, made taxable by the laws of this state, to defray the current expenses of the city, and such other expenses thereof as are not otherwise especially provided for by law, which taxes shall constitute the general fund of said city. Taxes.

Second. To annually levy and collect such amount as the board of education shall have determined and certified in its opinion to be necessary or proper to be raised, not exceeding eighteen thousand dollars on all real and personal property in said city, to meet the expenses of repairing and furnishing school houses and supporting and maintaining schools, which shall constitute a part of the school fund. Amount to be collected.

Third. To annually levy and collect taxes not exceed two thousand dollars on all real and personal property in said city, to meet the expenses of repairing and maintaining bridges, which shall constitute the highway, street and bridge fund. Amount for bridges.

Fourth. To annually levy and collect taxes not exceeding three thousand five hundred dollars, on all Amount for lighting.

real and personal property in said city, for the erection of lamp posts and the lighting of the streets and public grounds and buildings in said city with gas or other light, which shall constitute the gas fund.

Amount for fire engines, etc.

Fifth. To annually levy and collect taxes not exceeding seven thousand dollars, on all real and personal property in said city, to meet the current expenses of supporting and maintaining efficient fire engine, hook and ladder and hose companies in said city, which shall constitute the fire department fund.

For bonded debt.

Sixth. To levy and collect taxes as may be required on all real and personal property in said city, to pay the interest on the bonded debt of the city and the principal thereof, as it shall become due (for the current year), which shall constitute the bonded debt fund.

For drains, etc.

Seventh. To annually levy and collect a tax on the real and personal property in each ward, now or hereafter existing in said city, not exceeding five mills on the dollar on the assessed value thereof, to de ray the expenses of the construction in said wards respectively, of drains across the streets, alleys, lanes, highways and public grounds, and of streets and walks in front of and across public grounds, and of culverts and sewers in the streets, alleys, lanes, highways and public grounds, and keeping the same in repair, and, also, the cleaning and cleansing the streets, alleys, lanes, highways, crosswalks, drains, culverts, and sewers; provided however, that the council may pay from the general fund of said city, when it shall deem it just so to do in whole or in part the cost of constructing drains, sewers, culverts, streets, or walks across or in front of public grounds, and the repairing and cleansing the same; and all the money raised for the purposes in this section specified, upon the real and personal property in any ward, shall be kept by the treasurer as a separate fund for such ward, and shall be known as the ward fund of the ward in which raised, and shall be drawn from the treasury only on orders specifying that the same is drawn to meet the expenditure for which the money is raised.

CHAPTER VII.

STREETS AND HIGHWAYS.

Streets and highways.

SECTION 1. The common council shall have full control and power over and management of all streets, alleys, lanes, and public grounds in said city, and shall have power to accept by order or resolution, any street, lane, highway or alley in the original plat of

the village of Janesville, or any recorded addition thereto, and to establish the grades of all such streets, lanes, highways, alleys or public grounds; and such acceptance shall, to all intents and purposes, make such street, lane, highway or alley a highway; and until the common council shall have accepted any street, highway or alley, as hereinbefore provided, which has not been improved by order of the common council, the city shall not be liable for any damages resulting from the unimproved condition of said street, lane, highway or alley: and shall have power to improve public squares or grounds, and to lay out, as hereinafter provided in this chapter, streets, alleys, lanes, highways, walks, and to alter, widen, contract, straighten and discontinue the same; provided, that the expense of grading, graveling, planking and paving of said streets, walks, roads and highways shall be chargeable to and payable by the lands through or over which said streets, walks, roads or highways shall pass, in the same manner as is prescribed in this act in the case of city lots; provided, further, that in any case where the grade of any street or part of street has heretofore been or shall hereafter be duly established, and the owner or owners of any lot or lots fronting thereon have made or shall hereafter make permanent improvements upon his, her or their said lots, conforming to such grade so established, and the grade of such street or part of street shall thereafter be changed by said common council, and worked to conform to such change, and damage to an amount exceeding one hundred dollars shall result therefrom to the owner of any such lot or lots upon which permanent improvements shall have been made, conforming to the grade theretofore established, in every such case such owner, who shall not have signed the recommendation for such change in grade, and for re-grading required by section 21 of this chapter shall be entitled to compensation for such actual damages as his said lot or lots may sustain, by reason of such change, beyond the benefits and advantage thereto, derived therefrom; and such damage if any, when ascertained as hereinafter specified, shall be a lien and charge upon the lots and parcels of land fronting on the entire length of such street, and shall be assessed thereon with the other expenses of such re-grading, in the manner specified in subdivision 1 of section 23 of this chapter, and collected therewith, and when collected be paid to such owner. But no such damage

shall be claimed by or awarded to any such owner, unless he shall have notified said council in writing, at its next regular meeting succeeding the one at which said recommendation shall have been presented, that he will claim damage, and shall specify the particular lot or lots upon which he shall claim the same. The damage to each several owner entitled thereto hereunder shall be determined in the first instance by the arbitrament and award in writing of three disinterested freeholders, resident of other wards of said city than the one in which said street is located, who shall be appointed by the mayor, with the concurrence of said council, and who severally shall, before entering upon the discharge of their duty, take an oath, faithfully and fairly to discharge their duty, and a true award make. All of said arbitrators shall sit and hear the evidence and allegations of the parties in interest, and to that end are hereby empowered and authorized to administer oaths to witnesses. But an award signed by two of them shall be valid and sufficient. Said arbitrators shall give due notice by publication or otherwise to the parties in interest, of the times and places of their meetings, and shall report the testimony taken by them, together with their award or awards, to the common council; and it shall cause the same to be filed with the clerk of said city; and said award or awards so made and filed shall be final and conclusive, between all parties in interest, unless appealed from as hereinafter specified. Any party in interest may appeal from any award so made, to the circuit court for Rock county, by notice in writing, served upon said city clerk, specifying the particular award appealed from, and signed by himself or his attorney; provided said notice be given within twenty days from the time of filing said award; and provided further that the person or persons so appealing shall, within twenty days, make and file with said clerk, an undertaking with two or more sureties, to be approved by said council, to such person, and conditioned as said council shall direct, by order or ordinance upon the subject. Upon the filing of said bond, its approval and the serving of said notice within the time aforesaid, said clerk shall thereupon transmit said notice, bond, report of testimony and award, to said circuit court, or to the clerk thereof, and said court shall try the same as other actions at law, upon an issue to be formed under the direction of said court. No contract shall be made by said common council for the regrading of any street or part of

street, upon which damages shall be claimed until all the damages so claimed shall be determined and finally fixed, and when made, the assessment therefor shall be made and collected as soon as possible under the provisions of this act.

Shall have power to levy and construct bridges, etc.

SECTION 2. The common council shall also have power to lay out and construct bridges, culverts, drains and sewers in the city, with all the necessary wells, grates and other things requisite and proper for the use of such culverts, drains and sewers, or for carrying off the surface matter from the streets and highways; but the common council shall not lay out any street, square, public ground, alley, lane, highway or walk, or alter any such as may already be laid out or used, so as to extend or run across or over the site of any dwelling house at the time actually erected, without consent of the owner of such dwelling house, unless it shall have first purchased the same; provided, however, that such dwelling house shall have been erected in good faith upon such site before the commencement of the proceedings to make such improvement.

Shall survey streets, etc.

SECTION 3. The common council shall cause all streets, highways, alleys, lanes, side and crosswalks, culverts, drains, sewers, public squares and grounds in said city to be surveyed, described and recorded in a book to be kept by the city clerk for that purpose, and to cause maps thereof to be made and filed with the clerk. Such records and maps shall be prima facie evidence of the facts therein described and portrayed in all actions and places between the city and other persons touching their location.

Notice to be given in news paper.

SECTION 4. Whenever the common council shall intend to lay out, alter or widen any street, highway, lane, alley, or public square or ground, or discontinue any public square or ground, it shall cause a notice of such intention to be published for eight days in some daily or weekly newspaper printed and published in said city, stating the day upon which it will act thereupon, which day shall be at least eight days subsequently to the first publication of the notice. This section shall not apply to a change in the grade of any street, alley, lane or highway.

Notice to proceed to lay out.

SECTION 5. In case it shall not be necessary to appropriate for the purposes contemplated in section 4 of this chapter, any real estate which shall not belong to the city, or which shall not be given to the city for the purpose, the common council upon the day fixed in the notice may proceed to lay out, alter or widen such

street, highway, lane, alley or public square or ground, or discontinue any public square or ground mentioned in the notice.

Notice to owners of lots to be published, etc.

SECTION 6. Upon petition in writing of all the owners of lots or land on any street or alley in said city, and not otherwise, the common council may discontinue such street or alley, or any part thereof. At least one week before acting on such petition the common council shall cause a notice to be published for three days successively, in a newspaper published in said city, stating when the petition will be acted upon and what street or alley or part thereof is proposed to be discontinued or vacated.

Make out description of real estate.

SECTION 7. In case it shall be necessary to appropriate for any street, highway, lane, alley or public square or ground, any real estate not belonging to the city, or which the city may not be permitted by the owner freely to appropriate, the common council, before it shall determine to make such improvement, shall make an order appointing some discreet person or directing some officer of said city to ascertain and report a description of the real estate required to be appropriated, with the names of the owners; what the whole expense of the improvement would amount to to; whether any, and if any, what part thereof ought to be borne by the city; and whether any, and if any, what real estate would be immediately benefited by the improvement requiring the appropriation of such real estate, specifying the same in parcels described with certainty, with the names of the owners if they can be ascertained. It shall cause a notice to be published in some weekly or daily newspaper published in said city for three weeks, specifying the proposed improvement, the estimated expense thereof, and the real estate in said city to be assessed therefor, and shall require all persons interested in the subject matter of such improvement to attend the common countil at a time and place in such notice to be specified. At the time and place so stated the common council shall proceed to hear the allegations of the owners and occupants of the houses, lots and parcels of land required and the real estate to be assessed for such improvement so specified as aforesaid, and after hearing the same shall make such further order in prospect to such improvement as it shall deem proper.

Shall enter a resolution.

SECTION 8. If the common council shall, after hearing the parties interested, as aforesaid, determine to make any of the improvements in this chapter spe-

cified, and that the lands of any person will be necessary for the purpose, it shall enter in its minutes a resolution, declaring such determination, and containing a brief description of the lands so deemed necessary, and also of the real estate deemed benefited by such improvement. The common council may purchase the land so deemed necessary, of the owner or owners thereof, upon such terms, and for such compensation as it shall judge reasonable, and thereupon receive a conveyance thereof to the city, and thereupon proceed as provided in this chapter, to cause the price paid for such land, except such portion thereof, if any, as the common council shall have determined ought to be borne by the city, to be assessed upon, and collected out of the real estate benefited thereby, as described in the report of the person appointed by the common council or officer mentioned in section 7 of this chapter, as nearly as may be, in proportion to the amount of benefit which each shall be deemed to receive from said improvement.

Shall declare by resolution.

SECTION 9. In case no agreement for such purchase can be made, the common council shall by resolution declare their purpose to take the same, and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel, and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, hour and place when and where it will apply to the county judge, or a justice of the peace, resident in said city, for a jury to condemn and appraise the same. The common council shall immediately cause such resolution to be published in some daily or weekly newspaper, published in said city.

Clerk to make notice.

SECTION 10. The common council shall thereupon cause to be made by the clerk a notice of the adoption of such resolution, embracing a copy thereof and notifying all parties interested, that the city will, at the time and place named apply to the judge or justice named for the appointment of a jury to condemn and appraise such land. A copy of such notice shall be served by the marshal or any constable on the owner of each such parcel of land to be taken, if known and resident within the county; such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evidence of the facts stated therein. If the notice cannot be so given as to all the parcels,

then the same shall be also published once in each week for three successive weeks in a newspaper published in said city, and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and the first publication made three weeks before the time fixed therein for such application. If any person so served with notice be a minor or of unsound mind, the judge or justice before proceeding shall, on the day fixed for the hearing of such application, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

Challenges.

SECTION 11. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of service of the notice, as provided in the last section, shall be filed with the judge or justice, who shall thereupon make a list of twenty-four competent jurors, not interested, but residents of the city, shall not be disqualified. He shall hear and decide any challenges for cause or favor, made to any one, and if sustained shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of such magistrate, each party, the common council by its representatives, on the one side, and the owners of land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the judge or justice, on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining, such judge or justice shall issue a precept, requiring them at an hour on a day named, not more than ten nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the marshal or any constable, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode in the presence of a member of his family.

Jury to be polled.

SECTION 12. The jurors summoned shall appear at the time and place named, and if any be excused by the judge or justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The magistrate shall then administer to them an oath that they

shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Shall view lands.

SECTION 13. Under the direction of such magistrate, the jury shall view the lands to be taken and shall then sit before him to hear such competent evidence as shall be produced by any party, and for such purpose, such magistrate shall possess the same powers as a court in session with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by them, in which they shall find whether it be necessary to take such lands or any part thereof for such purposes, describing such as they find necessary to be taken; and, if any be found necessary to be taken, then a verdict of appraisement of damages, specifying therein the damages of each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement, and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected with the assent of the jury, and they shall be thereupon discharged, and their verdict filed with the magistrate. In case the jury shall fail to find a verdict another jury shall be selected, summoned, sworn and proceed in the same manner. The said jurors shall be entitled to the sum of one dollar and fifty cents each as their compensation, for each day actually and necessarily spent by them as jurors.

May appeal from the award.

SECTION 14. Within ten days after such verdict any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, and said city may likewise appeal from the award of damages to any owner, by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and, if a part, what part, and therewith an undertaking with two sufficient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for his return thereof. Any party not so appealing shall be forever concluded

by such verdict or appraisement. Upon an appeal being taken the magistrate shall transmit to the clerk of the circuit court, within ten days, the notice of appeal and undertaking, and thereto annex a copy of all the papers and proceedings before him, with his certificate thereof. He shall after the time for appealing has expired, file with the city clerk all the original papers, including the verdict, with his certificate thereof, stating in such certificate whether or not any appeal has been taken from such verdict.

Appeal considered an action.

SECTION 15. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial and appeal to the supreme court. The appeal shall be tried by a jury, unless waived, and the costs shall be awarded against the appellant, if a more favorable verdict be not obtained; otherwise, against the respondent. Upon entry of judgment the clerk of the circuit court shall transmit a certified copy thereof to the city clerk. The costs of said proceeding shall be paid by the city, except when it recovers costs in the circuit court.

Common council shall enter order in proceedings.

SECTION 16. Within thirty days after the rendition of such verdict, or after the final determination of any appeal, if any shall be taken as herein provided, the common council shall cause an order to be entered in its proceedings authorizing and directing the appropriation of the said real estate and the making of said improvement. The common council shall thereupon appoint three respectable freeholders of said city, not interested in any of the real estate to be taken or assessed therefor, nor of kin to any person or persons interested therein, who shall proceed to apportion and assess the whole amount of such damage and value so reported by the jury, together with all the costs and expenses of such improvements (except such portion thereof, if any, as the common council shall have determined ought to be borne by the city), upon the real estate benefited thereby, as described in the report of the person appointed by the common council, or officer mentioned in section 7 of this chapter, as nearly as may be in proportion to the amount of benefit which each shall be deemed to receive from the said improvement. The said freeholders shall be sworn by some person competent to administer oaths, faithfully and impartially to discharge their duties according to the best of their ability. The said freeholders shall ex-

amine the said lands deemed necessary to be taken for such improvement, and the lands and real estate deemed to be benefited thereby, and may hear the statements of the parties interested, and shall make their assessment. The said freeholders shall, as speedily as may be, make their report to the common council in the form of an assessment list, in which they shall specify and set down in separate columns an accurate description of each parcel of real estate assessed, the name of the owner or occupant, if known, the amount assessed upon each parcel, the amount of compensation, if any, to which each owner or occupant is entitled by the verdict of the jury, and the amount to be collected of each. The assessment list shall be made to resemble in form, as nearly as practicable, the annual assessment roll of said city, and be provided with a column in which payments can be entered by the treasurer. Two copies thereof shall be made and signed by the mayor or presiding officer of the common council and clerk, one of which shall be filed with the clerk, and the clerk shall deliver the other to the treasurer, together with the warrant of the common council thereto annexed, signed by the mayor and clerk, and with the corporate seal of the city thereto affixed, for the collection of said assessments, which warrant shall be substantially the same as annexed to the annual tax roll of said city for collection thereof.

Filed assessment to be prima facie evidence.

SECTION 17. The said assessment filed with the clerk, and the one delivered to the treasurer, shall, in all courts and places, be prima facie evidence of the regularity of all prior proceedings and of the assessment therein specified; and all sums of money assessed therein or in any respect to any real estate, shall be liens thereon from the time the assessment list is filed with the clerk.

Copy to be published.

SECTION 18. Upon receiving the said assessment list, the treasurer shall cause a copy thereof to be published in some daily or weekly newspaper in said city, with a notice similar to the one on receiving the annual tax roll, and the treasurer shall proceed to collect said assessment in the same manner as in this act provided for the collection of annual city taxes, and all the provisions of this act relating to the collection of annual city taxes so far as the same can be applicable, shall govern the collection of assessments for said local improvement.

Paid from bridge fund.

SECTION 19. In case it shall appear by the report mentioned in section 7 of this chapter, that any portion

of the expense of such improvements ought to be borne by the city, the same shall be a charge upon the city treasury, and shall be paid from the highway, street and bridge fund.

Appropriating real estate.

SECTION 20. No real estate shall be appropriated by said city under any of the provisions of this chapter for any street, highway, lane, alley or public square or ground, without the leave of the owner, until the recompense reported by the jury to be proper therefor be paid or tendered to such owner or deposited to his or her use or credit in one of the banks in said city, to be designated by the common council of said city for that purpose. Upon such payment, tender or deposit, the same may be appropriated for such purpose. But the foregoing provisions are not intended and shall not be construed as prohibiting said city, by its officers, agents and employes, or the jury aforesaid, from entering upon such real estate and making all necessary examinations and surveys thereof for the purposes aforesaid.

May order streets, etc., graded.

SECTION 21. The common council shall have power to cause any street, highway, lane or alley, or any part of any street, highway, lane or alley in said city, to be graded, worked, graveled, macadamized, paved or repaved, planked or replanked and repaired, and to cause any sidewalks, crosswalks, drains, sewers or culverts to be made therein, as it shall deem necessary; and the same shall be repaired or relaid as may be ordered by said common council; provided that no street, highway, lane or alley, or any part thereof, shall be graded, macadamized, paved or repaved, planked or replanked, without a recommendation in writing, signed by a majority of the resident owners of property which is bounded by such street, highway, lane or alley, in which said work is proposed to be done or improvement made, except as hereinafter provided, which recommendation shall be entered at length by the clerk upon the record of the proceedings of the common council.

May determine the kind of pavement.

SECTION 22. Whenever the common council shall determine to cause any street, highway, lane or alley, or any part of any street, highway, lane or alley in said city to be paved or repaved, it may determine the kind of pavement that shall be used in such paving or repaving, and in case it shall determine to use any pavement that has been or may hereafter be patented, it shall have the power and is hereby authorized to purchase and procure of the person or persons owning the same, the right to use and lay such pavement upon

such street, highway, lane or alley, or part thereof, and the sum or sums paid therefor shall be added to the expenses of such paving or repaving, and be apportioned therewith and charged upon the property properly chargeable with the expense of such paving or repaving, and be collected in the manner provided in the next section.

Shall make specification of work.

SECTION 23. The common council, prior to ordering by resolution, ordinance or otherwise, any street, highway, lane or alley, or any part thereof, to be graded, macadamized, paved or repaved, planked or replanked, shall cause a plain and accurate specification of the proposed work to be prepared and filed in the office of the clerk of said city. If after the filing and examination of such specifications, said council shall be of opinion that such proposed work should be done, it shall order the same to be done, and shall fix the time within which the same shall be completed. The said council shall then cause to be published in some daily or weekly newspaper published in said city, such specifications, with a notice signed by the clerk, giving notice that on a certain day fixed in said notice, at least eight days after the first publication thereof, the common council will proceed to act in relation to the work mentioned in such specifications; and said notice shall specify that sealed proposals for the performance of said work will be received by the city clerk up to the time fixed in said notice for the opening of such proposals, and the time fixed by said council within which said work shall be completed. Upon the day mentioned in the above required notice, all such proposals shall be opened in the presence of the common council, when said common council shall determine which is the most favorable of such proposals, and may by a vote of the majority of its members accept such proposal, and authorize and direct the construction of the proposed work and direct the expense thereof to be assessed in the manner hereinafter specified; provided, however, that the common council are hereby authorized to reject all of such proposals, as in their opinion they shall deem unreasonable. The common council shall require the person or persons whose proposal or proposals may be accepted to execute a bond, with one or more sureties, to be approved by said common council, and in such penalty as said council shall fix, conditioned that the person or persons whose proposal had been accepted shall perform the work mentioned in such proposal within the

time fixed by said council and according to the published plan and specifications, subject to the supervision of the alderman of the ward in which such work is to be done, or of the street commissioner, and to the approval of the common council, with such other conditions as said council may prescribe; and if said work shall not be completed within the time fixed by said council for the completion thereof, said council shall have the power to declare the contract for such work at an end, and said bond forfeited, and to proceed by action, in said name of the city, against the sureties therein for the amount of such penalty.

Shall ascertain front length of lots.

First. In case the work shall be the grading, graveling or leveling any street, highway, lane or alley, or any part thereof, the common council shall appoint some competent person to ascertain the front length of each lot and parcel of land on both sides thereof, throughout its whole extent, with a correct description thereof and the name of the owner if known, and also the aggregate front length of all lots and parcels of land fronting on such street. The said common council shall then determine the expense of the whole work, including the surveying, specifications, advertising ascertaining the value of existing improvements of the same or a similar kind and character, if any, and preparing the assessment lists, and cause the average expense upon each foot front of lots and parcels of lands on both sides of such street, highway, lane or alley throughout its whole extent, excluding cross streets from the computation, to be ascertained; and each lot or parcel of land on both sides of such street, highway, lane or alley, throughout its whole extent shall be assessed with its proportion of the expense, to be ascertained by multiplying its number of feet front by the average expense per foot; provided, that when the owner or owners of any lot or lots, parcel or parcels of land fronting any street, highway, lane or alley upon which said improvement is proposed to be made have already made any improvement on said street, highway, lane or alley, in front of his or her said lot or lots, parcel or parcels of land, of the same or of a similar kind and character as the proposed improvement at the time when the same was made, and shall file with the city clerk written notice thereof before the assessment shall be made, stating when, where, and by what owner the work was done and the value thereof; the common council shall ascertain the value of such improvement

and for that purpose shall have power to subpœna witnesses, administer oaths and take proofs, in such manner as it may direct, and the value of such improvement, when so ascertained thall be added to the expense of the proposed improvement, and assessed therewith upon all the lots fronting upon such highway, lane or alley in the manner hereinafter specified; and when so assessed the value of such improvement so made by such owner or owners as aforesaid, shall be credited on the assessment of his or her said lot or lots, parcel or parcels of lands, but the value of such improvement shall be so assessed as aforesaid but once; and in case the value of such improvement shall exceed the amount assessed upon such lot or lots, parcel or parcels of land, such excess shall be paid to such owner or owners who shall have made such improvements as aforesaid; provided, that any such improvement hereafter so made by such owner or owners, shall not be assessed, credited or paid for as hereinbefore provided, except the same shall have been made pursuant to a petition or leave to do the same, by said owner or owners, signed by at least two thirds of the resident owners upon such street, highway or alley.

Shall appoint some competent person.

Second. In case the work shall be the paving, macadamizing, planking or curbing any street, highway, lane or alley, or any part thereof, the common council shall appoint some competent person to ascertain the aggregate front length of lots and parcels of land on both sides thereof, limited to the proposed improvement and bounded thereon, and the front length of each lot or parcel of land bounded on such imrovement, with a correct description thereof, and the name of the owner, if known. The said council shall then determine the expense of the whole work, including the surveying, if any, the specifications, advertising and preparing assessment lists, and cause the average expense upon each foot front of lots and parcels of land on both sides of such street, highway, lane or alley within the limits of such improvement and bounded thereon excluding cross streets from the computation to be ascertained, and each lot or parcel of land shall be assessed with its proportion of the expense, to be ascertained by multiplying its number of feet front by the average expense per foot; provided, that whenever the owner or owners of any lot or lots, parcel or parcels of land fronting any street, highway, lane or alley where such improvement is proposed to be made, and within the limits of said proposed improvements, and

bounded thereon, have already made any improvement on such street, highway, lane or alley in front of his or her lot or lots, parcel or parcels of land within the limits of said proposed improvement, and bounded thereon, of the same or of similar kind, and character as the proposed improvement, said lot or lots, parcel or parcels of land so improved by such owner or owners shall be excluded from the computation and assessment; and all expense of such improvement to be made, shall in such case be assessed upon the other lot or lots, parcel or parcels of land so fronting on the street, highway, lane or alley where such improvement is proposed to be made, and within the limits and bounded on said improvement, as heretofore specified.

How paid for.

Third. In case the work shall be the constructing of any crosswalk or drain across any street, lane or highway, or public ground, or of any culvert or any sewer in any street, alley, lane, highway or public ground, or the keeping in repair of crosswalks, drains, sewers, culverts, streets, highways, lanes or alleys, after the same have been constructed, graded, graveled, leveled, macadamized, planked or paved, as in this chapter provided, or the cleaning and cleansing of the same, the expense thereof shall be paid out of the moneys mentioned in subdivision 7 of chapter 6 of this act, belonging to the ward in which said work shall be done.

S all let work by contract.

Fourth. In case the work shall be the construction, repairing, relaying or replanking any sidewalk, each lot or parcel of land fronting thereon shall be assessed with its just proportion of the expense of such work. The work specified in this subdivision may be ordered by the common council, on the written application of the street commissioner or of either of the aldermen of the ward in which the proposed work is situated, at any regular meeting of said council, after filing with the city clerk a specification of the work proposed. After said work shall have been ordered by said common council the aldermen shall give notice to the resident owner or owners of the several lots or parcels of land fronting thereon, requiring such owner or owners to perform the work proposed in front of his or their respective lots or parcels of land, according to said specifications, within twenty days from the service of such notice, and in default thereof, that said work will be done by contract without publication; and in case such owner or owners shall neglect to do said work within said twenty days, said aldermen shall proceed to have such work done by contract.

Fifth. In case the work shall be the paving or repairing any surface drain or gutter in and along the side of any street, alley, lane or highway, the common council may cause the same to be done without the written recommendation of a majority of the resident property owners, and shall proceed therein as provided by the fourth subdivision of this section, relating to sidewalks.

May be done without written recommendation.

SECTION 24. The notice required by section 23 of this chapter shall be first published at least eight days before the time therein specified for opening and acting upon the proposals to be received under it; and in case the common council do not meet on the day mentioned in such notice, the proposals received by the clerk pursuant thereto shall be opened at the next subsequent meeting of the common council. After opening proposals received pursuant to notice published according to said section, and determining whose is the most favorable, the common council may postpone further action upon the construction of the proposed work and acceptance of the proposals, from time to time, not to exceed one month from the day specified in the notice for opening the proposals.

Shall publish notice.

SECTION 25. Whenever the proposals received pursuant to such notice, are deemed by the common council to be unreasonable, they may make a contract for the work to be done, according to the published specifications, by such person or persons as they may think proper, at a specified price, which price shall not exceed the lowest sum proposed; and in case the work be of the class mentioned in the first, second, fourth and fifth sub-divisions of section 23 of this chapter, it shall assess the expense thereof, including surveying and advertising, in the manner provided in the said subdivision relating thereto; and in case the work be of the class mentioned in the second subdivision of said section, the expense shall be paid out of the moneys mentioned in subdivision 7 of chapter 6 of this act, belonging to the ward in which said work shall be done.

If proposals are unreasonable.

SECTION 26. Any person taking contracts with the city, and who agrees to be paid from special assessments shall have no claim or lien upon the city in any court, except from the collection of special assessments made for the work contracted for; and no work to be paid for by a special assessment shall be let except to a contractor or contractors who will so agree.

Claims on special assessments.

SECTION 27. No plan of any crosswalk, sidewalk, paving or planking need be published under said sec-

No plan of sidewalks, etc., to be published.

tion 23 of this chapter, and when a plan of any work is required, it shall be sufficient publication thereof to file the same with the clerk, and refer thereto intelligibly in the published notice.

May order several works at once.

SECTION 28. When practicable, several separate works may by notice be ordered and assessments made at the same time, and all the expenses of advertising and assessment be considered as one work. When such expenses are paid in common by more than one work, each work shall be assessed with its just proportion thereof.

Shall have power to appoint a committee.

SECTION 29. Whenever it shall appear to the common council, by affidavit or petition duly verified, that any street, highway, lane or alley, or any part thereof, in said city, should be graded, macadamized, paved, repaved, planked or replanked, and that a majority of the resident owners of property bounded by such street, highway, lane or alley refuse to sign the recommendation mentioned in section 23 of this chapter, the common council shall have power to appoint a committee consisting of one alderman from each ward of said city, to make an examination of such street, highway, lane or alley mentioned in such petition, and to report to the common council the condition of such street, highway, lane or alley, and whether in their opinion the same should be graded, macadamized, paved or repaved, planked or replanked; and upon receiving the report of such committee, the said common council shall have the power to order such street, highway, lane or alley to be graded, macadamized, paved or repaved, planked or replanked, in the same manner and with the same effect as though a recommendation signed as required by said section 23 had been presented to said council.

May order repair or cleaning of streets.

SECTION 30. The common council may order the repair, cleaning and cleansing of any street, alley, lane, highway, sidewalk, crosswalk, drain, culvert or sewer, when it shall be necessary; and when in its opinion its repairs cannot be judiciously let upon contract when the same shall be completed, cause the expense thereof to be paid out of the moneys mentioned in sub-divis- 7 of chapter 6 of this act, belonging to the ward in which such repairing, cleaning or cleansing shall be done.

Assessment list shall be made.

SECTION 31. Upon the assessment being made as provided in this chapter, an assessment list shall be made, to resemble as near as practicable the annual tax roll in its form, and be provided with a column in which payments can be entered by the treasurer. Two

copies thereof shall be made by the clerk, and signed by the mayor or presiding officer of the common council and the clerk, one of which copies shall be filed with the clerk; to the other the common council shall annex its warrant for the collection of such assessment, and the clerk shall forthwith deliver the same with the warrant so annexed to the treasurer for collection. Said warrant shall be signed by the mayor and clerk, and shall have the seal of the city affixed thereto, and shall be substantially the same as the warrant annexed to the annual tax roll for collection thereof.

Filed assessments shall be prima facie evidence.

SECTION 32. The said assessment filed with the clerk and the one delivered to the treasurer, shall in all courts and places be prima facie evidence of the regularity of all prior proceedings and of the assessments therein specified; and all sums of money assessed, and all costs, charges and interest thereon, shall be liens on such real estate, and have and be considered both in law and equity to have priority over all other liens, except prior liens for taxes on the real estate so assessed.

Treasurer how to proceed.

SECTION 33. Upon receiving the said assessment list, the treasurer shall take the like proceedings, as far as practicable, in the collection thereof, as in the collection of the annual city and ward taxes of said city, as provided in this act.

Shall keep money distinct.

SECTION 34. All moneys received by the treasurer upon the assessment list made pursuant to the provisions of this chapter, shall be kept by him distinct from all other moneys, and shall be drawn from the treasury only by orders expressly directing their application to the payment of the expenses for which assessment was made.

Assessment for deficiency.

SECTION 35. In case the common council shall at any time ascertain that the expense of any public improvement cannot be defrayed by the moneys raised upon the assessment list provided therefor, it may cause the deficiency to be assessed upon the real estate described therein, in sums proportioned to the former assessment; and all the provisions of this chapter relative to the assessment lists therein mentioned to the assessments therein, and the collection and payment of the moneys thereon, shall be applicable to the second assessment list in this section provided.

Shall have power to change or re-establish grades.

SECTION 36. The common council shall have power to change and re-establish the grade of any and all streets, highways, lanes, alleys and public grounds in said city, whenever it shall by said common council be

deemed necessary. And shall also have power to re-grade, re gravel, re-macadamize, re-pave curb and re-curb any street, highway, lane or alley, and to assess the expense of such re-grading, re-graveling, re-macadamizing, re-paving or re-curbing, as the case may be, upon such property as would be properly chargeable therewith in case it were the expense of the first or original grading, graveling, macadamizing, paving or curbing such street highway, lane or alley, which assessment shall be collected at the time and in like manner as an assessment for grading, graveling, macadamizing, paving, or re-paving, planking or re-planking, or curbing, as the case may be, is directed to be collected by this act; provided, that no street, highway, lane or alley, or any part thereof, shall be re-graded, re-paved or re-macadamized without a recommendation in writing, signed by a majority of the resident owners of the property which is chargeable with the expense of such proposed improvements, except as provided in section twenty-nine of this chapter, which recommendation shall be entered at length by the clerk upon the record of the proceedings of the common council.

Infants.

SECTION 37. When any owner of such real estate shall be known to be an infant under the age of twenty-one years, any officer authorized by law to appoint guardians of infants, may on application of the infant or of the common council, appoint a guardian for such infant, taking from him adequate security for the faithful performance of his duties as such; and all notices required to be served upon the infant shall be served upon such guardian, who shall see to the protection of the rights of such infant.

CHAPTER VIII.

TAXES AND ASSESSMENTS.

Taxes and assessments.

SECTION 1. The common council shall, on or before the first day of May in each year, appoint two assessors, whose duty it shall be to assess the property in said city according to law. One of said assessors shall reside on the east side of the river in said city, and the other on the west side of the river in said city. Such assessors shall, on or before the first Monday in July next ensuing their appointment, make out and deliver to the city clerk of said city a copy of the return required by law to be made by them and returned to the clerk of the board of supervisors. They shall each

receive as compensation for their service two dollars and fifty cents per day, which shall be in full for making such assessment and taking the statistics required by law. The mayor, clerk and assessors of said city shall constitute a board of review for said city, and such board shall have the powers and perform the duties prescribed in chapter 48 of the revised statutes of 1878. The assessor shall, on or before the second Monday in July annually, deliver the assessment roll as completed according to law, and all the sworn statements and valuations of personal property to the city clerk.

Duty of city clerk.

SECTION 2. The city clerk at the first meeting of the common council after the receipt of the assessment roll by him, whether the same shall be a regular or special meeting, shall lay the same before the common council for its consideration, and said council are hereby authorized, and it is hereby declared to be their duty to examine said assessment roll; and if it shall be defective in form, or if the certificate of the assessor shall not be in due form, or there shall intervene any irregularity or error, in making or certifying said assessment roll, they shall cause it to be corrected, amended and rectified by the assessors. The common council may also make such rules and give such directions in relation to revising, altering or adding to the rolls as they may deem proper and expedient.

Clerk shall endorse on roll.

SECTION 3. After the assessment roll for any one year shall have been examined, amended, and corrected, as provided in the next preceding section, the clerk shall endorse thereon a certificate, signed by him, that the same has been examined and approved by the common council, stating the time of such approval. Thereupon the common council shall levy such sum or sums of money as may be sufficient for the several purposes for which taxes are in this act authorized to be levied, but not exceeding the authorized percentage or sum, particularly specifying the purpose for which the same are levied, and if not for general city purposes, the ward upon which the same are levied; and all taxes, whether for general, city or ward purpose, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, in preference to any other lien, except prior taxes and assessments, until the same shall be paid, together with all legal charges thereon, and on all personal property of any person or body politic assessed for the taxes levied thereon, from the day of the date

of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfer of such real or personal estate shall effect such lien.

When roll to be completed.

SECTION 4. On or before the third Monday of August in each year, and as soon as the taxes shall be levied by the common council in any year, the city clerk shall from the assessment roll when completed and corrected, make out a tax roll and shall apportion and enter in said tax roll the taxes so levied, setting opposite to each parcel, lot or tract of land therein mentioned and opposite to the name of each person and body politic therein contained under proper columns each, the just and several proportion of the amount or sum of all taxes levied by the common council in such year. When the city clerk shall have completed the said tax roll, and apportioned the taxes as provided by law, the common council shall make their warrant and annex it to such tax roll. Said warrant shall be directed to the city treasurer, and shall be in such form as shall be a substantial compliance with this act, commanding him to collect from each of the persons and bodies politic named in the annexed tax roll and of the owners of the real estate described therein, each therein their several proportion as therein set down, of the sum total of taxes levied or assessments set down in said roll opposite to their respective names, and to the several lots, pieces and parcels of land therein mentioned, in the time and manner as prescribed in this act. Said warrant shall be signed by the mayor and city clerk, and shall have the seal of the city affixed thereto. Said tax roll with the warrant annexed, shall then forthwith be delivered by the city clerk to the city treasurer for collection. The city clerk shall file the original assessment roll in his office, and shall note thereon the time of delivering the tax roll to the treasurer for collection.

Treasurer to give notice.

SECTION 5. Upon the receipt of said tax roll and warrant by the treasurer, it shall be his duty to cause a notice to be published in some daily or weekly newspaper published in said city, that such tax roll and warrant is in his hands for collection, briefly describing the nature thereof, and requesting all persons forthwith to make payment thereof at his office, or that the same will be collected at the cost and expense of the persons liable to the payment of such taxes or assessment; said notice to be published for the term of twenty days.

Twenty days' notice.

SECTION 6. On the expiration of the twenty days mentioned in the preceeding section, in case any person

or body politic shall have neglected or refused to pay the taxes imposed on him or it, the city treasurer shall levy the same by distress and sale of the goods and chattels of such person or body politic, wherever the same may be found in the city of Janesville, in the manner specified in chapter 49 of the revised statutes of 1878; and if any taxes on personal property shall not be paid or collected in consequence of the neglect or delay of said treasurer, the common council may, by action, recover the amount thereof from the said treasurer and his sureties; and if, from any cause, the taxes and assessments charged in such tax roll to which such tax warrant is annexed, upon any lands or lots described therein, are not collected on or before the first Monday in October, ensuing the date of said warrant, it shall be the duty of said treasurer to prepare and make a report thereof to the circuit court in and for the county of Rock, and file said report with the clerk of said court, and on such report make or cause an application to be made at the next term of said court ensuing the making and filing of said report, for judgment against the lands, lots and parcels of land for the amount of the taxes, assessments, interest, cost and charges respectively due thereon; and he shall give public notice of such intended application at least ten days before the first day of the said term of said court, briefly specifying the nature of the taxes and assessments for the collection of which the application is to be made, and requesting all persons interested therein to attend at such term of said court, which notice shall be published in some daily or weekly newspaper published in said city of Janesville; and the notice so published shall be deemed and taken to be sufficient and legal notice, both of the aforesaid intended application to said court for judgment, and a demand and refusal to pay the said taxes and assessments; provided, that if the taxes on any state, school or university lands in said city held upon contract, or upon any lands in said city mortgaged to the state, are not collected or paid on or before the said first Monday in October, the treasurer of said city shall immediately make and forward to the state treasurer a certified list of such lands, with the amount of tax due and unpaid on each description thereof. The state treasurer shall charge such return taxes against the lands upon which the same were assessed, and if the said taxes shall not be paid before the first day of June next succeeding, he shall add thereto twenty-five per cent. penalty; but if such tax

shall be paid before the first day of June he shall add thereto twelve per cent. penalty, which penalty shall be collected with other charges against said lands, and when collected such tax and penalty shall be returned by said state treasurer to the treasurer of said city.

Treasurer shall file affidavit, e.c.

SECTION 7. The treasurer shall obtain a copy of the said advertisement, together with affidavit by the printer or publisher of the newspaper in which the same was published, of the due publication thereof, and shall file the same with the said clerk of the said circuit court at said term thereof, which affidavit shall be attached by the clerk to the treasurer's report on file in his office.

Clerk shall record affidavit, etc., in book.

SECTION 8. The clerk of said court upon the filing of such report and affidavit of publication by the treasurer, shall record the same in a book kept for that purpose, in which shall be entered all judgments, orders and other proceedings of said court in relation thereto, and the same shall be preserved as other records of his office; and the said clerk shall place the said report and the affidavit attached, at the head of the issue calendar for said term, in the following form, as nearly as may be, to-wit: "City of Janesville against John Doe and others; suit for taxes." Or if it be an assessment for some specific improvement, shall also enter said report, returned by the treasurer, in similar forms, as nearly as may be, or as follows: "City of Janesville against John Doe and others; suit for assessment on assessment list and warrant for paving —— street," or "planking —— street," or, "building sidewalk on —— street," or, "the opening —— street," or such other title as will sufficiently indicate the nature of the improvement for which the charge or assessment is due, entering a separate suit on each assessment roll and warrant upon which such report or reports are made.

Duty of the court.

SECTION 9. It shall be the duty of the court calling the calendar of said term, if any defense be offered by any of the owners of said property, or any person having a claim or interest therein, to hear and determine the same in a summary way, without pleading; and if no defense be made, the said court shall pronounce judgment against the said several lots, lands, pieces or parcels of land, as described in said treasurer's report, and shall thereupon order and direct the said lots, lands, pieces or parcels of land to be sold for the amount of the taxes and assessments, and interest at the rate of twelve per cent. per annum, computed from the date of the warrant, for the collection thereof, and

costs and charges so levied, assessed or charged upon them, as provided in this act, or under any section or provision thereof; provided, that in all cases where a defense is interposed, the trial of an issue or issues therein shall have priority over all other cases in said court, and shall be disposed of with as little delay as possible, consistently with the demands of public justice, at said term; but should justice require that for any cause the proceedings as to one or more should be delayed for more than ten days, judgment shall then be rendered as to the other owners and lands, and process shall issue for the sale thereof, the same as in other cases.

Clerk shall make copy of treasurer's report.

SECTION 10. It shall be the duty of the clerk of said court, within twenty days after such order is granted, as in the next preceding section provided, to make out, under the seal of said court, a copy of the treasurer's report in such case, together with the order of the court thereon, which shall constitute the process on which all lots, parts of lots, land, pieces or parcels of land, shall be sold under and by virtue of the judgment and order of said court, and the provisions of this act; and the said treasurer is hereby expressly authorized and empowered in like manner as sheriffs may do, acting under process of execution from any court of record of this state, under the laws thereof, to make sale of such lots, parts of lots, lands, pieces or parcels of land, upon previous notice of such sale, to be published in some daily or weekly newspaper published in said city, the first publication of such notice to be at least twenty days prior to such sale.

Notice of sale, what to contain.

SECTION 11. The said notice of sale so to be published in each case of a judgment upon any city or ward assessment list or tax roll and warrant aforesaid, and report as aforesaid, shall contain a list of the delinquent land, pieces or parcels of land, lots and parts of lots to be sold, the names of the owners, if known, the amount of taxes, interest, cost and charges, or the amount of the assessments with interest, cost and charges as the case may be, due respectively thereon, and the account upon which the same is due, the court which pronounced the judgment and the time when, and that said lands, pieces or parcels of land, lots and parts of lots will be exposed to public sale at a time and place in said city, to be named in said notice of sale by said treasurer. The proceedings may be stopped at any time upon payment of said taxes or assessments, interest, cost and charges to said treasurer.

Lands described by initial letters.

SECTION 12. It shall be sufficient to describe lands in all proceedings relative to assessing, advertising or selling the same for taxes or assessments under any provision of this act, or any section thereof, by initial letters, abbreviations and figures to designate the township, range, section or parts of section, and the number of blocks and lots, and also the year, amounts of such taxes or assessments.

How sale shall be conducted.

SECTION 13. The sale shall be conducted in the same manner as now provided by the laws of this state for the sale of lands for state, county and town taxes by county treasurers, except as otherwise provided in this act; and the treasurer shall give to each purchaser, on the payment of his bids, and if the same be struck off to the city, then to the city, a certificate in writing, which certificate shall contain the name of the purchaser, a description of the premises sold, the amount of the tax or assessment, with the interest, cost and charges for which the same was sold, the date of the sale, and the time when the right to redeem will expire, which certificate will be assignable. The treasurer shall also immediately after the close of any sale of lands for taxes or assessments make and deliver to the city clerk a statement containing a particular description of each lot, part of lot, tract and parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk shall each record such statement in a book to be kept by each of them for that purpose, in their respective offices.

Assignee shall be entitled to receive deed.

SECTION 14. The assignee of any tax certificate of premises for taxes or assessments, by virtue of this act, shall be entitled to receive a deed of such premises, in his own name, and with the same effect as though he had been the original purchaser.

If no bid shall be made.

SECTION 15. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land of the amount of taxes or assessments, interests, costs and charges thereon, the same shall be struck off to the city, and thereupon the city shall receive in its corporate name certificates of sale of such land and such goods and chattels, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this act, the treasurer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate

at any tax sale, the treasurer is authorized to sell the certificates issued therefor, for the amount for which sold and interest, and to indorse and transfer such certificate to the purchaser.

Owner may redeem the same in three years.

SECTION 16. The owner or occupant of any land sold for taxes, or any other person, may at any time within three years from the date of the certificate of sale, redeem the same, or any part thereof, or interest therein, by paying to the treasurer of the city, for the use of the purchaser, his heirs and assigns, the amount for which such land was sold, and all subsequent charges thereon authorized by law, or such proportion thereof as part or interest redeemed shall amount to, with interest on the amount of purchase money, at the rate of twenty-five per cent. per annum, from the date of such certificate; but whenever any land sold for taxes shall be redeemed within six months after the sale thereof, interest as aforesaid shall be paid for six months; provided, however, that in all cases any such person may in like manner redeem any such lands or any part thereof or interest therein, at any time before the tax deed executed upon such sale is recorded, and when so redeemed such deed shall be void as to the lands or interest so redeemed.

Redeeming lands of minors.

SECTION 17. The lands of minors, or any interest they may have in lands sold for taxes, may be redeemed at any time before such minor becomes of age, and during one year thereafter; and the lands of idiots, married women and insane persons, so sold, or any interest they may have in the same, may be redeemed at any time within five years after such sale; and such redemption shall be made in the same manner as provided in the last preceding section.

Lands not redeemed, how transferred.

SECTION 18. If any land sold for taxes shall not be redeemed as aforesaid, the city clerk shall, after the expiration of the time prescribed by law for the redemption thereof, upon notice required by law, and on the presentation to him of the treasurer's certificate of sale, execute in the name of the city, as such clerk, under his hand and the seal of the city, to the purchaser, his heirs or assigns, a deed of the land so sold and unredeemed as aforesaid, and shall acknowledge the same. An abstract of all deeds so made and delivered shall be entered by the clerk in the book where tax sales are recorded. A fee of one dollar may be charged by the clerk for every deed so issued, which deed shall vest in the grantee an absolute estate in fee

simple in such land, subject, however, to all unpaid taxes and charges which are a lien thereon; and such deed duly witnessed and acknowledged shall be prima facie evidence in all controversies and actions, in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, of the following facts:

Deed to contain following facts.

1. That the land or lot conveyed was subject to taxation or assessment at the time the same was advertised for sale, and had been assessed in the time and manner required by law.

2. That the taxes or assessments were not paid at any time before the sale.

3. That the land conveyed had not been redeemed from the sale at the date of deed.

SECTION 19. And such deeds shall be conclusive evidence of the following facts:

1. That the land or lot was advertised for sale in the manner and for the length of time required by law.

2. That the land was sold for taxes or assessments as stated in the deed.

3. That the grantee in the deed was the purchaser.

That sale was conducted in manner required by law.

4. That the sale was conducted in the manner required by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation or assessment at the date of the assessment of said tax or making said assessment; that the taxes or assessment had been paid; that the land had never been assessed for taxation or assessment, or that the same has been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state; but no person shall be permitted to question the title acquired by said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, and that all the taxes and assessments due upon the lands have been paid by such person or persons under whom he, she or they claim title as aforesaid.

All sales of property to be held at same time.

SECTION 20. All sales of property for the non-payment of taxes and assessments for any improvements of what kind soever, except as provided in section

twenty-five of this chapter, shall be held at the same time with the general sale of the property for the non-payment of city taxes in each year, unless, in particular cases, said sale is stayed by injunction or process of law, the intent hereof being, that there shall be but one general collection by sale of all taxes and assessments whatsoever, in each and every year, which sale shall take place in the manner hereinbefore provided, and at the same time in each year.

Per cent. for collection.

SECTION 21. In all cases where taxes or assessments are not paid on or before the day of the filing of the treasurer's report for judgment of the court, as hereinbefore provided, five per cent. shall be collected as additional costs, and be added to and collected with the other taxes or assessments, as the case may be, and expenses authorized to be collected on the property assessed; and for this purpose the treasurer shall add to his said report, in a separate column, the amount of such additional costs; and on all taxes and assessments paid between the time of the expiration of the twenty day's notice, as provided in section 5 of this chapter, and the time of sale of the real estate on which such taxes and assessments are a lien, interest at the rate of twelve per cent. per annum, to be computed from the date of the warrant for the collection thereof to the date of such payment, shall be added to the same and collected therewith; and said treasurer shall also collect with such taxes and assessments, all fees, costs and expenses incident to the proceedings consequent upon non-payment of taxes and assessments as provided in this act, and such fees, costs and expenses are hereby declared to be legal charges upon the real estate on which any tax is levied or assessment made under the provisions of this act. The fees for publishing notice of sale of lands for taxes or assessments under this act shall be the same as provided in section 1183 of chapter 49 of the revised statutes for publishing notice of sale for taxes; and for publishing all other notices, proceedings and advertisements required to be published under this chapter the same fees as allowed for publishing legal notices, etc., by section 4275 of chapter 49 of the revised statutes; and the clerk of the circuit court shall have and receive the same fees on proceedings in said court under the provisions of this chapter, as for similar services in other cases in said court. Said fees, costs and expenses shall be apportioned equally upon the several parcels of lands concerning which said notice or notices were published, and said proceedings taken.

Action to be commenced within one year.

SECTION 22. Any action or proceeding for the recovery of any land sold prior to January first, 1882, for taxes or assessments under the provisions of this act, except in cases where the taxes or assessments have been paid, or the lands redeemed as provided by this act, shall be commenced within one year, and for the recovery of land sold subsequent to said date within three years from the time of recording the deeds of said sale executed under the provisions of this act, and not thereafter.

May re levy and re-assess taxes.

SECTION 23. If any tax hereafter levied or assessments made shall be set aside in whole or in part, for any cause whatsoever, by the order or judgment of any court, the common council are hereby authorized, directed and required forthwith to re-levy and re-assess, as the case may be, the taxes or assessments so set aside, with interest thereon at the rate of seven per cent. per annum, from the date of the warrant for the collection of such tax or assessment so set aside, upon the property, lots, pieces or parcels of land in such first assessment roll or list so apportioned and set down opposite to each lot, piece or parcel of land therein described, and opposite to each person therein named, and as to which such tax or assessment shall have been so set aside.

Taxes may be re-levied.

SECTION 24. If any tax heretofore levied by said city shall be set aside, in whole or in part, for any cause whatsoever, by the order or judgment of any court, the common council of said city are hereby authorized, directed and required to re-levy such tax, or as much thereof upon each and every lot, piece or parcel of land as to which such tax shall be so set aside, as should and might have been legally assessed and levied thereon, at the time the said tax so set aside was first levied; and such tax so re-levied shall be and continue a lien upon such lots, pieces or parcels of land upon which so re-levied, from the date of the warrant for the collection of the tax so set aside, in preference to any other lien thereon, except of taxes levied prior to the time of the first levying of such tax so set aside, till the payment thereof, together with all legal charges.

Shall be collected forthwith.

SECTION 25. The common council of said city shall cause the taxes and assessments levied and assessed, as in the twenty-third section of chapter six of this act provided, to be collected forthwith, notwithstanding the time for the collection of the annual city taxes of said city, as provided in this act, shall not have arrived, and the treasurer of said city shall take the like proceedings, as far as practicable, in the col-

lection thereof, as in the collection of the annual city and ward taxes and assessments as in this act provided.

No court order shall restrain.

SECTION 26. No order or injunction shall be allowed or issued by any court, judge or commissioner in this state to enjoin or restrain the sale of any lands in the city of Janesville, for taxes or assessments, or to enjoin, restrain or interfere with any proceedings taken or attempted or threatened to be taken for the collection of taxes or assessments, except upon notice or an order to show cause; and no action or proceeding shall be commenced in any court in this state for the purpose of setting aside the taxes or assessments on any land situate in said city of Janesville, or to invalidate or set aside any certificates of sale of land therein for taxes or assessments, or any tax deed conveying any land in said city, or for the purpose of recovering the possession of lands therein held under a tax deed, unless the person or persons commencing such action or proceeding shall first pay to the treasurer of said city the amount of all taxes and assessments remaining unpaid thereon, whether such taxes or assessments have been regularly assessed or not; and the person commencing such action or proceeding shall allege in his complaint or papers either that all taxes or assessments on such lands have been paid within the time required by law for the payment thereof, or, if payment is not made by virtue of this section, he shall allege the amount which has been paid to the city treasurer, to enable such party to commence such action or proceedings, the time of payment, and the year for which such payment is made; and if it shall appear, upon the trial or hearing of such action or proceeding, that the amount so paid is not the amount of taxes and assessments justly chargeable upon such lands, such action or proceeding shall be dismissed, and costs taxed against the plaintiff.

CHAPTER IX.

PUBLIC SCHOOLS.

School officers.

SECTION 1. There shall be elected every two years by the qualified electors in each ward in said city a school commissioner, who shall be a resident of the ward in which he is elected. There shall also be elected every two years, by the qualified electors of said city, one school commissioner at large for said city.

The term of office of such school commissioner shall be two years, and they shall, within ten days after their election, take the oath of office prescribed by this act for city officers. The school commissioners heretofore elected under the charter of said city shall hold their offices until the expiration of the time for which they were elected, and until their successors are elected and qualified; and nothing in this act shall be so construed as to authorize the election of any school commissioner in any ward in said city, whose term of office shall commence before the expiration of the term of the school commissioners heretofore elected in said ward.

School board.

SECTION 2. The said school commissioners so elected, together with the commissioner at large, shall constitute a board, to be styled the board of education of the city of Janesville. Said board shall appoint and hold stated monthly meetings, and a majority thereof shall constitute a quorum for the transaction of business. At the first meeting of said board in each year, the members thereof shall elect one of their number president, and whenever he shall be absent, a president pro tem. may be appointed. They shall also appoint a clerk, and fix his compensation, which shall not exceed the sum of three hundred dollars per annum, and he shall hold his office during the pleasure of the board. The said commissioners shall not receive any compensation for their services.

Duties of clerk.

SECTION 3. The clerk of said board shall keep a record of the proceedings thereof, and perform such other duties as the board may prescribe, which record, or a transcript thereof, certified by the president and clerk of said board, shall be received in all courts and places as prima facie evidence of the facts therein set forth; and all the books and accounts of said board, shall at all times be subject to the inspection of the common council and of any committee thereof, duly appointed for that purpose; and the said board shall examine all teachers making applications to teach in the public schools of said city, and all certificates to teachers granted by said board shall be substantially in the form prescribed by the state superintendent of schools. The clerk of said board shall visit all schools in said city at least twice during each month, and report their condition to the board of education, with such suggestions for their improvement as he may deem proper. He may also make such suggestions to said board as he may deem necessary for improving and repairing schoolhouses, grounds, fences and appurtenances thereto belonging.

SECTION 4. The clerk of said board shall in each year, and at the time and in the manner now or hereafter to be required of town superintendents of schools in the several towns of this state, make and transmit to the clerk of the board of supervisors a report in writing, which report shall in form be such as is now required by law to be made annually by town superintendents of schools and transmitted to said clerk. Further duties of clerk.

SECTION 5. The common council of said city shall have power to pass such ordinances and regulations as the board of education may report as necessary and proper for the protection and safe keeping, care and preservation of the school houses in said city, and lots and appurtenances to the schools, and also to impose penalties for the violation thereof. All such penalties shall be collected in the same way that other penalties authorized to be imposed by said council under said act as amended are collected. Shall have power to pass ordinances.

SECTION 6. The title of the school houses, sites, furniture, books, apparatus and appurtenances, and all other property in this chapter mentioned, shall be vested in the city of Janesville, and the same, while used or appropriated for school purposes, shall not be levied upon or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the said city shall be able to take, hold or dispose of any real or personal estate transferred to it by gift, grant, bequest or devise for the use of the schools of said city, whether the same shall be transferred in terms to said city, by its proper style, or by any other designation, or to any person or persons or body for the use of said schools. In whom title shall be vested.

SECTION 7. The treasurer of said city is hereby authorized, empowered and directed to apply for, demand and receive from the county treasurer, for Rock county, all moneys appropriated for the use of schools in said city, and all other moneys in the possession of said county treasurer, at any time, raised, appropriated or intended for the use and benefit of schools in said city, and the said county treasurer is hereby directed and required, on demand of the said city treasurer, to pay over to him the said moneys, without delay or set off, taking his receipt as such treasurer therefor; and all such moneys shall be placed to the credit of the school fund of said city, and shall only be drawn from the treasury in payment of teachers' wages. Moneys in county due treasury

SECTION 8. The said board of education shall have power, and it shall be its duty:

Shall establish schools.

1. To establish and organize such and so many schools in the several wards of said city as they deem necessary and expedient, and to alter and discontinue the same.

Shall have custody of all school furniture, etc.

2. To have the custody and safe keeping of the school houses, out houses, books, furniture and appendages, to see that the ordinances and regulations of the common council in relation thereto are observed.

Shall contract with teachers.

3. To contract with and employ in behalf of the city, all teachers in the common and ward schools, and the high school, who shall have been licensed by said board, and at their pleasure to remove them, and it shall be the duty of said board of education, and they are hereby required to employ in the high school, at least one teacher competent to teach the German language, and who shall, under such rules and regulations as may be adopted by such board, teach the German language to all pupils in said school who shall desire it; and said board of education may employ as one of such teachers a competent German teacher, who shall also be competent to teach the English branches, and when employed may assign him or her to any one of the ward schools, and define his or her duties as such teacher, and in all things regulate and direct the particular ward school to which he or she may be assigned.

Superintendence of all public schools.

4. To have in all respects the superintendence, supervision and sole management of all the public schools in said city, and from time to time to adopt, alter, modify and repeal, as they may deem expedient, rules and regulations for their organization, government and instruction, for the reception of pupils, and their transfer from one school to another, and generally, for the promotion of their good order, prosperity and public utility.

Repairs of school buildings.

5. To cause all repairs to be made to school buildings and other school property in said city, and to contract for all things necessary or proper for the support and maintenance of the schools of said city, for the current year; and to have the exclusive management of, control and disbursement of all moneys raised by tax in or received from any source by said city for school purposes, and to audit all accounts and indebtedness incurred for school purposes in said city, and to draw orders on the treasurer for the same.

Preservation of school houses.

6. To prepare and report to the common council such ordinances and regulations as may be necessary or proper for the protection, safe-keeping, care or preser-

vation of the school houses, lots, sites and appurtenances, and all property belonging to said city connected with or appertaining to the schools therein, and suggest proper penalties for the violation of such ordinances and regulations, and annually to determine and certify to the common council at its first meeting in June of each year the amount of money in their opinion necessary or proper to be raised under subdivision 2 of section 1 of chapter 6 of this act, specifying the sum for each of the purposes therein mentioned, and the reason therefor, which sum shall not exceed eighteen thousand dollars ($18,000).

Amount of money needed.

SECTION 9. No contract shall be made or liability or indebtedness incurred by said city for the sale or purchase of school house sites, or the constructing of school houses, by the common council of said city, except upon the recommendation in writing to said common council by the board of education, and then only to the extent and in the manner so recommended by said board of education, and all liability or indebtedness on the part of the city incurred under the provisions of this section shall be audited by and paid on the order of the board of education, and not otherwise; provided, that no contract shall be made or liability or indebtedness incurred for either of the purposes specified in this section, without a vote of two-thirds of all the members of the common council.

In regard to contracts for school buildings.

SECTION 10. All moneys raised by tax in or received by said city from any source for school purposes, of every kind and description whatsoever, shall be kept by the city treasurer separate from any other funds of said city, and also from the private funds of said treasurer, and shall only be drawn from the treasury upon the order of said board of education, signed by the president and clerk of said board; and if said treasurer shall fail to keep said fund separate as aforesaid, or shall misapply the same, or shall fail to pay to the order of said board of education on demand, at any time before he shall have fully paid out all the moneys received by him for school purposes, the office of said treasurer shall be forfeited and immediately become vacant, and in addition to such treasurer's liability upon his official bond he shall forfeit and pay to the city of Janesville the sum of five hundred dollars for such failure or refusal to pay such order, to be sued for and recovered by said board of education in the name of the city of Janesville, for the use of the school fund of said city.

Moneys for school purposes to be kept by treasurer.

Shall render an account monthly.

SECTION 11. The treasurer of the city of Janesvil e shall, at the end of each and every month, and oftener if required, render an account to said board of education, showing the condition of the school fund of said city, and the balance of moneys in his hands belonging to said fund, giving also a full and detailed account of all moneys received by him belonging to said fund, and all expenditures therefrom since his last report to said board; and if said treasurer shall neglect or fail to make such report when required by said board of education, his office shall be forfeited and become and be vacant; and in addition to said treasurer's liability upon his official bond, he shall forfeit and pay to the city of Janesville the sum of five hundred dollars for such neglect or failure to make such report, to be sued for and recovered by said board of education in the name of the city of Janesville, for the use of the school fund of said city.

Books to be subject to inspection.

SECTION 12. The books and accounts of the treasurer of the city of Janesville shall always be subject to the inspection of the members of the board of education of said city, and of committees appointed by said board to inspect the same.

Outside scholars may attend school.

SECTION 13. The said board of education shall have power to allow the children of persons not residents of said city to attend any of the schools therein, under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition that shall be paid therefor. All moneys so received for tuition shall be paid into the treasury, and credited to the school fund of said city.

Board shall report twice a year.

SECTION 14. It shall be the duty of said board of education to report to the common council, at its first meeting in the months of January and July in each year, the condition of the several schools in said city, and the average number of pupils in attendance; the names and rate of compensation of the several teachers; the cost of supporting said schools since their previous report, and the estimated cost thereof to the time of their next succeeding report, specifying the items thereof, under their appropriate heads, together with such other matter as the common council may require.

Shall not contract indebtedness.

SECTION 15. The board of education shall not contract indebtedness, incur liability or appropriate money in any one year to a greater amount than the amount of school funds to be raised by tax and received from other sources in such year, and every member of the board of education who shall vote to contract indebted-

ness, incur liability or appropriate money to a greater amount than the amount of such funds to be raised and received in such year, shall forfeit and pay the sum of fifty dollars, to be sued for and recovered in the name of the city, for the use of the school funds.

Board shall report monthly.

SECTION 16. The board of education shall report monthly to the common council all accounts audited or orders drawn by them upon the school fund, and the same shall be published by the council in a newspaper published in the city.

Shall report vacancy.

SECTION 17. The board of education shall report to the common council whenever any vacancy may occur in said board by resignation or otherwise; or whenever any member of said board shall be guilty of any act of omission or commission, or of neglect of any duty as a member of said board.

CHAPTER X.

FIRE DEPARTMENT.

Fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power, and it shall be its duty, by ordinance, to prescribe the limits within which wooden buildings and buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Engines, etc.

SECTION 2. The common council shall also have power to procure engines and other apparatus used for the extinguishment of fires, and have the charge and control of the same, and provide fit and secure engine houses and other places for keeping and preserving the same, and shall have power —

Fire companies.

First. To organize fire engine, hose and hook and ladder companies, and to pay such salary as they may deem best to the members of such companies.

Firemen.

Second. To appoint, during their pleasure, a competent number of able and reputable inhabitants of said city, firemen, to take the care and management of the engines and other apparatus and implements used and provided for the extinguishment of fires.

Duties of firemen.

Third. To prescribe the duties of firemen, and to make rules and regulations for their government and efficiency, and to impose reasonable fines and forfeitures upon them for a violation of the same; and for incapacity, neglect of duty or misconduct, to remove them.

Foreman.

SECTION 3. Each of the companies organized under the provisions of this chapter may elect its own foreman, assistant foreman and clerk. An engineer to be attached to each engine company shall be appointed by the common council. The pipemen and hosemen attached to an engine company shall be appointed by the foreman of such company.

Meeting of firemen.

SECTION 4. There shall be a meeting of the members of the fire department on the third Monday of March in each year, at such house and place as shall be designated by the mayor by a notice published in a newspaper published in said city at least one week before said meeting; or if the mayor fails to give such notice, then said department shall meet on said day at 7:30 P. M., at the engine house on the west side of the river. At such meeting said department may nominate and recommend to the common council for appointment one chief engineer, one 1st assistant engineer, one 2d assistant engineer, and the common council may thereupon appoint the persons so recommended as aforesaid; if they fail to appoint the persons so recommended, they shall request the said department to recommend other persons in place of the ones not confirmed and appointed. The officers which are appointed by said council shall continue in office for one year, and until the appointment and qualification of their successors. The chief and assistant engineers shall, annually, before they enter on the duties of their respective offices, execute to the city of Janesville a bond in such sum and with such sureties, as the common council shall approve, conditioned that they shall faithfully execute the duties of their office, and account for all property received by them as such officers, which bonds, with the approval of the common council certified thereon by the clerk, shall be filed with the clerk.

Engineers, their duties.

SECTION 5. The chief and assistant engineers, appointed as in the next preceding section provided, shall be the chief and assistant engineers of the fire department of the city of Janesville, and they, with the other firemen, shall take the care and management of the engines and other fire apparatus and implements

used and provided for the extinguishment of fires and preservation of property at fires; and at fires the chief engineer, and in his absence the assistant engineers, according to their respective appointments, shall have the command and control over the said fire deparment and the fire engines, and all other fire apparatus and implements used and provided for the extinguishment of fires. It shall be the duty of the chief engineer to report to the common council at its first meeting in December, March, June and September in each year, the condition of the engines, hose, hooks and ladders and other fire apparatus, and the buildings in which they are kept; and also, to recommend such additions and improvements to the same as he may deem expedient It shall be his further duty to report monthly to the common council the names of such members of the fire department as shall have disobeyed orders, or neglected or refused to do their duty. And he shall report monthly to the common council for confirmation the names of such persons as shall have been elected members of the different companies. The common council may more fully define the powers and duties of said chief and assistant engineers.

Penalty for refusal to obey.

SECTION 6. Whenever any person shall refuse to obey any lawful order of any engineer or other person having command of the fire department at any fire, it shall be lawful for the officer giving such order, to arrest or direct orally any officer of said city or citizen to arrest such person and to confine him temporarily in a safe place, until such fire shall be extinguished; and such officer, or any of them, may in like manner, arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to pay such penalty as the common council shall prescribe, not exceeding fifteen dollars.

Sack company.

SECTION 7. The common council shall have power to organize a sack company, and to provide for the expense of maintaining the same, which shall be known as sack company No. 1, to consist of not more than twenty members. Such company shall constitute a part of the fire department and at fires shall be subject to the control of the chief engineer The members of said company, either collectively or individually, shall be and are hereby authorized and empowered to act as special police in and for the city of Janesville, and are

hereby vested with all the power and authority which is now or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and, so far as it may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regulations for its government as they may deem necessary, not inconsistent with this act and the laws of the state. The members of this company shall not be entitled to any pay or compensation for services rendered in their official capacity They shall, in case of riot or disturbance of the peace, have free access to all licensed places of public amusement in the city, and shall perform such service as may be necessary for the peace and good order of the same. The members of said company shall severally take oath or affirmation that they will faithfully discharge the duties of their said office; and when any member of said company shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk, who shall preserve a record of all members of said company.

Poll tax.

SECTION 8. Every member of each company organized under the provisions of this chapter shall be exempt from poll tax, from serving on juries in all courts of this state, and from military duty during the continuance of such membership; and any person having served for the term of seven years in either of said companies, shall thereafter be exempt from serving on juries in all courts in this state, from poll tax and from military duty, except in case of war, invasion or insurrection. The name of each member of said companies designating the company to which he is attached, the date when he became such member and when he ceased to be such member, shall be registered with the clerk of the city.

CHAPTER XI.

CITY CEMETERIES.

Cemeteries.

SECTION 1. The city of Janesville is hereby authorized and empowered to purchase, hold, take and convey such tracts of land, without the limits of said city, for the purpose of establishing such cemeteries for the interment of the dead therein, as the common council of said city may think necessary, which shall be exempt from tax under any law of this state.

SECTION 2. The said city is hereby authorized and empowered to take, hold and dispose of any and all real estate without the limits thereof, heretofore transferred to it by gift, grant, bequest or devise for cemetery purposes, by any and all persons and corporations whatsoever, whether the same have been transferred in terms to said city, by its proper style, or by any other designation, or to any other person or persons, or body for the use of said city. May dispose of real estate.

SECTION 3. The common council of said city shall have power to pass such ordinances, rules and regulations with regard to the improving, preservation laying out and ornamenting of said cemeteries and the burial of the dead therein, as they shall think necessary. Passing ordinances.

SECTION 4. The said common council is fully empowered and authorized to provide, by ordinance, for the punishment of all persons who shall, without said limits, be guilty of any violation of the regulations, rules and ordinances established by said city in relation to such cemeteries, the same as if such offense had been committed within the boundaries of said city; and any magistrate having jurisdiction of prosecutions for the violation of ordinances of said city is hereby authorized and empowered to issue process for the apprehension of any and all persons guilty of any such violation, and to have the same jurisdiction in every respect as of the violation of any other ordinance, rule or regulation of said city. Punishment of offenders.

TITLE XII.

MISCELLANEOUS PROVISIONS.

SECTION 1. No moneys shall be appropriated by the common council of said city, for any purpose whatsoever, except such as are expressly authorized by this act. No money appropriated without authority.

SECTION 2. All orders drawn upon the treasurer must be signed by the mayor or presiding officer of the common council, and countersigned by the clerk, except as provided in section 2 of chapter 3, and section 10 of chapter 8, of this act, stating therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable, and no money shall be otherwise paid from the treasury than upon such orders so drawn; provided, that no appropriation shall be made or order drawn upon the treas- Orders by whom signed.

ury, without a vote of a majority of all the members of the common council in favor thereof, which vote shall be taken by ayes and noes, and entered upon the proceedings of the council. No money shall be drawn from any fund in the treasury, except for the purposes for which it was raised and appropriated.

Disposal of license moneys.

SECTION 3. All moneys received for licenses under any of the provisions of this act (except licenses for the vending and dealing in spirituous, vinous and fermented liquors) and for the violation of any ordinance, resolution, rule, order, regulation or by-law, and for any penalty or forfeiture incurred under any of the provisions of this act, shall be paid into the school fund of said city, and shall be expended by the common council for the support of the schools therein.

Shall not contract indebtedness.

SECTION 4. The common council shall not contract indebtedness or incur liability or appropriate money in any one year, payable out of any fund authorized to be raised in said city, to a greater amount than the amount of such fund so authorized to be raised in such year; and every member of the common council who shall vote to contract any indebtedness or incur any liability or to appropriate any money payable out of any fund in excess of the amount of such fund authorized to be raised in such year, shall forfeit and pay the sum of fifty dollars for each and every offense.

Penalty.

SECTION 5. Every member of the common council who shall vote to draw any order on or appropriate any money from any fund, for or on any claim or demand against the city not properly payable out of such fund, shall forfeit and pay the sum of fifty dollars for each and every offense.

How recovered.

SECTION 6. The penalties given by the last two preceding sections may be sued for and recovered in the name of the city, and the proceeds shall be paid into the school fund of said city.

Incompetent.

SECTION 7. No member of the common council shall be competent to hold any other office or appointment of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act, order, resolution or ordinance of the common council, or be directly or indirectly interested in any contract, the expense or consideration whereof are to be paid under any ordinance or other action or direction of the common council.

In which members are interested.

SECTION 8. No member of the common council shall vote for the allowance of any claim against the city in which he is interested, or in relation to which

he has been employed or retained as agent, attorney or council.

SECTION 9. No officer of the city shall receive any penalty, fine forfeiture or claim due to said city for the violation of any ordinance, resolution, rule, order, regulation or by-law of said city, or under any provisions of this act, except the treasurer of the city, the judge or justice before whom an action has been instituted therefor, or an officer having power by an execution to collect it. In regard to penalties.

SECTION 10. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of all the aldermen. Remitting penalties.

SECTION 11. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of or tax payer in said city, in any proceeding or action in which the city shall be a party. Incompetent judge, etc.

SECTION 12. If any election by the people or common council shall not be held, from any cause, at the time or in the manner herein prescribed, or if the common council fail to organize as herein provided, said city corporation shall not be dissolved, but such election or organization may be had on any subsequent day, by order of the common council thereof; and if any of the duties enjoined by this act, or the ordinances or by-laws of said city, to be done by an officer or agent at a specified time, and the same is not then done or performed, the common council may appoint another time at which the said act or acts may be done. In case no election is held.

SECTION 13. Every ordinance, resolution or by-law imposing a penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be published for three weeks successively, at least once in each week, in some weekly or daily newspaper published in said city. The affidavit of the printer or publisher of such newspaper, or of its foreman, of the publication thereof, taken before any officer authorized to administer oaths, and filed with the city clerk, or a copy of such affidavit certified by the clerk under the corporate seal of said city, shall be conclusive evidence of such publication in all courts and places. Until such publication, said ordinances, resolutions or by-laws, shall not become operative. Notice to be by publication

SECTION 14. A copy of any resolution, order or by-law of the common council, passed pursuant to section 4 of chapter 4 of this act, certified by the clerk under the corporate seal of said city, may be served upon any Copy of resolution to be served on person

person to be affected thereby, personally, or in case such person cannot be found at his or her residence, or usual place of business in said city, then by leaving it at such residence with a person of suitable age and discretion. The resolution, order or by-law shall thereafter, so far as said person is concerned, have the same effect as an ordinance duly made and published by the common council. In case the person to be affected by the resolution, order or by-law is a non-resident, no service of a copy thereof shall be necessary, unless he or she has an authorized agent in said city, when the service shall be made upon such agent, either personally or by copy, as provided in this section for serving the same on the principal; provided, that this section shall not be so construed as to affect the provisions of section 5 of chapter 4 in relation to the service of orders to appear and testify.

In regard to bridges and trees.

SECTION 15. The general laws of this state for the preservation of bridges and trees, and the punishment by such laws provided for wilful and malicious injuries done to the same, are hereby extended to and shall include all trees belonging to said corporation and within said city, and to all bridges now built, and all that shall be hereafter built in said city, and shall apply to any wilful or malicious damage which may be done to the same by any person or persons whatever, and the common council may from time to time make such by-laws or ordinances as they may deem necessary for the preservation of such trees and bridges, and enforce by adequate penalties.

Service of process, how made.

SECTION 16. Service of process for the commencement of any action against said city shall be made by leaving a copy of the same with the mayor and city clerk, and it shall be their duty forthwith to inform the common council thereof, and take such other proceedings as the nature of the case shall require or as by ordinance or resolution of the common council in such cases directed.

Liability of contractor, etc.

SECTION 17. If any contractor doing any work of any kind or nature in or upon any of the streets, sidewalks, bridges or public grounds of the city of Janesville, under contract with said city or the common council of said city, shall fail to keep up sufficient fences, guards or lights to prevent damage or injury to persons or property, or shall be guilty of other negligence in doing such work, and damage or injury shall occur by reason of such default or negligence of such contractors, such contractor shall be primarily liable

for all damage for such injury; and said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such contractor.

Sidewalks, etc., to be kept clean.

SECTION 18. It is hereby made the duty of the respective owners of lots or parcels of land fronting on any street, highway or alley in said city, to keep the sidewalk in front thereof in safe condition for the public use.

In case persons are injured.

SECTION 19. Whenever any injury shall happen to persons or property in said city, by reason of any defect in any street, sidewalk, alley or public ground, or from any other cause for which the said city would be liable, and such defect or other cause of such injury shall arise from or be produced by the wrong, default or negligence of any person or corporation other than said city, such person or corporation, so guilty of such wrong, default or negligence, shall be primarily liable for all damages for such injury, and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Recovery of damages.

SECTION 20 In case of recovery of judgment under said sections 17 or 19 of this chapter, against the person or corporation primarily liable, and failure to collect the same as therein provided, such judgment shall in no way bar or prejudice the city in its defense of any action brought against it for the same injury, and in case of failure to recover in any action against such person or corporation, as aforesaid, such failure shall be a bar to any action against said city, for the same injury. Nothing in said sections 17 and 19 of this chapter shall in any way affect any action now pending against said city for an injury caused by reason of a defect in any of its streets, highways, alleys or sidewalks, but such action shall proceed to trial, or re-trial and judgment, the same as if the provisions of the charter of said city had remained as they were when said injury had occurred or said action was begun.

Judgment, how executed.

SECTION 21. When a judgment shall be rendered against the city of Janesville, or against any city or ward officer or agent of the city, for any act of said officer or agent for which the city would be liable, no execution shall be awarded or issued upon such judgment, except as herein provided; but the same, unless reversed, shall be assessed or levied, collected and paid as follows; if the claim, demand or matter upon which such recovery is had, was originally a charge upon a

particular ward or ward fund, by assessing or levying the amount thereof upon the real and personal property in such ward subject to taxation anything in sub-division 7 of chapter 6 of this act to the contrary notwithstanding; if such recovery was had upon any claim or demand for an improvement, that under this act should be paid for by an assessment upon particular lots or parcels of land, in the manner provided in chapter 7 of this act, and in all other cases, by assessing or levying the same upon all the taxable property in said city subject to taxation; and when so collected the same shall be kept by the treasurer, separate from all other funds in the treasury, and only paid out by the treasurer on orders drawn to pay such judgment, which orders shall distinctly specify the demand or judgment to pay which the same are drawn; but if said orders so drawn shall not be paid on demand, in thirty days after the amount of such judgment shall have been assessed or levied and collected, as herein provided, execution may be issued thereon, upon the order of the court authorized to issue such execution, on notice and special application therefor; but no personal or real property of any inhabitant of said city, or of any individual or corporation, shall be liable for or levied on or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

City may hold real estate.

SECTION 22. The said city may have, purchase and hold real or personal property sufficient for all public purposes, and may sell and convey the same, and the same shall be free from taxation for any and all purposes.

Real estate subject to taxation.

SECTION 23. All real estate exempt from taxation by the laws of this state shall be subject to taxation and assessment for street and other similar improvements in said city, the same as other real estate under this act.

Road work—poll tax.

SECTION 24. Every person residing in said city, who would be required to perform highway work by the general laws of this state, shall be required to perform one day's work annually on the streets and highways in said city, to be performed in the ward where he resides, under the direction of the street commissioner. But every such person so liable to perform work may at his option pay to said street commissioner at the rate of one dollar per day in lieu of such work.

Relating to submitting question to the people.

SECTION 25. The manner of submitting any question to the electors of said city hereinbefore required

by the provisions of this act to be so submitted shall be as follows: The common council shall cause a notice to be prepared, which shall be signed by the mayor and clerk, and published in some daily, if any, and if not, then in some weekly newspaper printed in said city, the first publication to be at least ten days previous to the day fixed for any election to be held under such notice. Said notice shall particularly set forth the question to be determined by such election, the form of the ballot to be used by such electors as may vote in favor or against the proposition submitted, the time of holding such election, the place where in each ward the polls of such election will be held, and the hour of opening and closing the same; and if any such question so submitted shall involve the raising of money by tax, such notice shall state the precise amount of such tax, and the purpose for which it is proposed to levy such tax. All such elections shall conducted and returns thereof be made and canvassed and the result thereof declared, in like manner as annual city elections are under this act required to be conducted, and the returns thereof made, canvassed and declared. But any question so submitted shall be declared lost unless it shall appear on such canvass that two thirds or more of all the legal votes so cast thereon shall be in favor thereof.

City owner of donated property.

SECTION 26. The city of Janesville shall be and is hereby made the lawful owner of all property donated to the public by the original recorded plat of the village of Janesville, and by the recorded plat of every and all additions since made or which shall hereafter be made thereto, except the block in the original recorded plat of the village of Janesville, bounded northerly by Court street, easterly by Division street, southerly by South First street and westerly by Bluff street.

Disorderly persons may be arrested.

SECTION 27. All officers of said city and special police shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace or commit any criminal offense, and, if necessary, detain such persons in custody over night in some safe place, and shall have and exercise such other powers as conservators of the peace as the common council may prescribe.

In regard to impounding animals.

SECTION 28. If any animal or animals shall be taken up and impounded under any provisions of this act, or any ordinance or by-law passed in pursuance of its provisions, the poundmaster or city marshal shall

forthwith make complaint on oath to the police justice or other judge or justice having jurisdiction to try cases to which the city is a party, stating the seizure of such animal or animals, and the cause of such seizure, and request a summons to the owner, if known, to appear and show cause why such animal or animals should not be sold. Such judge or justice shall thereupon issue a summons reciting the substance of such complaint and requiring the owner of such animal or animals or any person having an interest in them, to appear on a day fixed, not less than four nor more than six days thereafter, and show cause why such animal or animals should not be sold.

How summons shall be served.

SECTION 29. In said summons the city of Janesville shall be designated as plaintiff, and the owner or owners, or any party having interest in such animal or animals, if known, shall be designated as defendants, and such summons and processes in said action shall be served in the manner provided for the service of summons and process in justice court.

If owners of animals are unknown.

SECTION 30. If the owner or owners of such animal or animals be unknown, or are non-residents of Rock county, such fact shall be stated in the complaint and summons, and a particular description of such animal or animals shall be given, and the said summons shall be published for three days consecutively in a daily newspaper published in said city, such publication to be completed at least two days before the return day thereof, and a copy of such summons shall be posted in three public places in said city; and such publication and the posting of such copies shall be in lieu of personal service of such summons.

Trial of the case.

SECTION 31. On the return day of the summons the judge or justice shall proceed summarily with the trial of the case, and shall conduct the trial of the case, in the manner provided for the trial of cases in justice courts.

SECTION 32. The complaint aforesaid shall be the complaint in the action, and a general denial shall put in issue all matters in controversy.

Duties of justice.

SECTION 33. If the judge or justice shall find that the animal or animals mentioned in the complaint were found running at large in said city in violation of any of the provisions of the charter of said city, or any ordinance passed in pursuance thereof, he shall render judgment according to such finding, and for the costs of such action and the costs, fees and penalties imposed by any such provision or ordinance; and unless such

judgment is paid, such judge or justice shall forthwith issue an execution, commanding the officer to whom it is addressed to sell the animal or animals mentioned in the complaint at public auction.

SECTION 34. Such officer shall give notice of such sale by posting in three public places in said city, at least two days before such sale, a notice of the time and place of such sale, containing a description of the property for sale. Notice to be given.

SECTION 35. Said sale may be adjourned for want of bidders or other cause satisfactory to such officer, by making public proclamation thereof. Sale may be adjourned.

SECTION 36. The proceeds of such sale shall be paid by such officer to the magistrate, and after deducting the fees and costs of impounding such animal or animals, and the costs of such action, shall be paid into the city treasury; provided, that if there be any surplus in the amount paid into the treasury over and above the penalty imposed by any such ordinance, the common council shall order such surplus to be paid to the owner or owners of such animals whenever application shall be made therefor. Proceeds of sale.

SECTION 37. The common council of the city of Janesville are hereby authorized, at any time hereafter when any of its bonds or other authorized indebtedness shall become due, to borrow such sum or sums of money as be may necessary to pay such bonds or other indebtedness. Common council may borrow money.

SECTION 38. The said common council are hereby authorized whenever they shall borrow any sum or sums of money by virtue of the preceding section, to issue the bonds of said city, in such form and of such denominations as they may determine. Such bonds shall draw interest at such rate, not exceeding eight per cent. per annum, and shall be payable at such time, not exceeding ten years from their date, and at such place, as said common council shall designate. Proceedings, when authorized.

SECTION 39. The said common council shall annually, after the issue of such bonds, levy upon the taxable property of said city, and cause the same to be collected, a tax sufficient to pay the interest on said bonds as the same shall become due, and shall also provide by tax in the same manner for the payment of the principal of said bonds, whenever the same shall become due and payable. Annual tax.

SECTION 40. This act shall not invalidate any legal act done by the city of Janesville, by the common council of the city, or by its officers, nor divest it or Not invalidated.

them of any rights of property or otherwise, or liability which may have accrued to or been created or incurred by said corporation prior to the passage of this act.

Public act.

SECTION 41. This act shall be deemed a public act and may be read in evidence without further proof, and judicial notice thereof shall be taken in all courts and places; and all ordinances, orders, rules, resolutions or regulations and by-laws of said city, when printed and published as in this act provided, shall be received and read in evidence in all courts and places without further proof. Also the book in which the ordinances of said city are recorded at length by the city clerk shall be received and read in evidence all in courts and places, without further proof.

City regarded as a town.

SECTION 42. The city of Janesville shall be regarded as one of the towns of Rock county, for the purpose of raising and collecting the annual county and state taxes, and the same provisions of law which shall apply to the assessment and collection of said county and state taxes in the several towns in this state, and the duty of all officers concerned therein or connected therewith, shall be applicable thereto.

Statement to be published.

SECTION 43. The common council shall, at least ten days before the annual election in each year, cause to be published in one or more newspapers in said city a full and correct statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the former are derived, and their mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in the respective wards for the same period, together with such other information as may be necessary to a full understanding of the financial concerns of the city.

SECTION 44. All ordinances, orders, resolutions, regulations and by-laws now in force in said city of Janesville, and not inconsistent with this act, shall remain in force under this act, until altered, modified or repealed by the common council.

SECTION 45. All acts heretofore passed relating to the charter of the city of Janesville, or any amendment thereto, and chapter 339, laws of 1857, are hereby repealed.

SECTION 46. No general law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in said law.

SECTION 47. If the common council of said city at any time shall revise its existing ordinances and by-laws, and shall thereafter publish the same in book or pamphlet form for use and distribution, such publication shall be deemed and held to be a legal and sufficient publication of said ordinances and by-laws, respectively, anything in the charter to the contrary notwithstanding. Revise.

SECTION 48. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 28, S.] [Published April 7, 1882.]

CHAPTER 222.

AN ACT to amend chapter 102 of the revised statutes, in relation to title to real property by descent.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 102 of the revised statutes is hereby amended by inserting between sections 2272 and 2273, of said chapter, the following: Section 2272 a. When any adopted child shall die seized or possessed of any estate which came to such child by inheritance from or upon distribution of the estate of any parent by adoption, not having lawfully devised the same and leaving no surviving wife, husband, issue or descendants the same shall not go to the kindred of the blood or next of kin of such adopted child, but shall descend to the heirs or be distributed to the next of kin of such parents by adoption. Property by descent.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 284, A.] [Published April 7, 1882.]

CHAPTER 223.

AN ACT to provide for laying out a state road from the village of Misha Mokwa, in the county of Buffalo, to the village of Pepin, in the county of Pepin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Robert Aitkin, M. B. Axtell and Thomas Parkinson are hereby appointed commissioners to lay out and establish a state road from the vil- State road.

lage of Misha Mokwa, in the county of Buffalo, thence running on the most feasible route to the village of Pepin, in the county of Pepin.

SECTION 2. Said commissioners shall have the same powers as are conferred by law on county boards of supervisors to award damages and settle with any parties who may feel aggrieved or sustain damages by the laying out and establishing said state road.

SECTION 3. Within thirty days after said commissioners shall have laid out said state road, or such part thereof as in their opinion the public good requires, but the same shall in any event be in both of said counties, they shall cause to be filed in the office of the town and county clerks of the counties through or into which the said road extends, a correct copy of the field notes and plat of the survey thereof, and on and after the filing of the said copy of the field notes and plat of the survey by said commissioners, as above provided, said road shall be a public highway and be deemed to be opened and established as a public highway.

Compensation.

SECTION 4. Such commissioners shall be entitled to such compensation as the board of supervisors of each county through which such road shall pass shall deem proper, and the same shall be paid by the said counties respectively, in proportion to the distance of said road in each county; provided, that no compensation shall ever be allowed from the state treasury for such purposes.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 183, S.] [Published April 12, 1882.]

CHAPTER 224.

AN ACT for the improvement of the St. Croix river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Improvement of St. Croix river.

SECTION 1. Joel F. Nason, G. B. Burrows, W. J. Vincent, William Amery and J. S. Baker, and their assigns, are hereby authorized and empowered to erect, keep and maintain a dam in and across the St. Croix river at or near the St. Croix Falls, in the county of Polk, state of Wisconsin, and to extend and maintain said dam from shore to shore in said river, and to improve said river so as to make the same navigable for

the driving of saw-logs from the bridge across said river, near the village of Taylor's Falls, and below said dam in the rapids of said river known as Big Rock, the entire distance being within the said county of Polk, and for such purpose they shall have full power and authority to enter upon and take any lands necessary for such purpose, and to build dams and wing dams upon said river, and by removing obstructions within the bed of said river, and to raise the water upon said river so as to float logs over the rapids above said dam, and below Big Rock rapids in said river, said rapids to be flooded over by said dam, being known as Tuttle's Falls and Pine Island rapids, and to direct the current thereof; provided, that all damages which the owner or owners of the land adjacent thereto may sustain by reason thereof, shall be assessed, settled and ascertained in the manner provided in chapter 146 of the revised statutes of 1878, entitled of mills and mill dams; provided that the franchise hereby granted shall be subject to the right of the legislature at any time to alter or repeal the same, when, in its judgment, the public interest shall require.

Dam.

SECTION 2. That said dam shall be so constructed as to permit the rapid and easy passing of logs through said dam, and so as not to unreasonably interfere with the use of the water flowing in said river for the purpose of propelling any mills or machinery that may hereafter be erected upon said river.

Fees to be paid.

SECTION 3. The said persons above named, and their assigns shall be entitled to receive and collect for all logs passing through said dam or floated over said rapids above named by aid of the water collected in said dam, or the flooding of said rapids by means of said dam or dams, a sum not to exceed seven cents per thousand feet as compensation for maintaining and keeping up said dam and the improvement of said river; and in case said persons above named, and their assigns do not fix and re-establish any other or different toll than that above mentioned, then the said charges or toll shall be seven cents per thousand feet.

Liens.

SECTION 4. The said persons above named and their assigns shall have a lien upon all logs floated over said rapids by the aid of said dam or the improvement of said river by the persons above named, and their assigns as herein provided in compliance with the provisions of this act; provided, that said persons above

named, and their assigns shall, within sixty days after said logs shall pass over or through said dam, or be floated over said rapids by the aid of said dam, file a notice of such lien in the office of the inspector of logs and lumber of the fourth lumber district of Wisconsin, setting forth the marks of the logs passing through said dam or floated over said rapids and the amount claimed to be due thereon, and such lien shall attach and be held valid to the entire mark of such logs, and each and every log of such mark shall be held and considered subject to the lien of said persons above named, and their assigns for said sum so due, and all logs of the same mark which shall have passed through said dam or floated over said rapids by the aid of said dam or said improvements herein authorized.

Filing notice.

SECTION 5. The filing of the notice in section 4 of this act mentioned, within the time therein set forth shall be constructive notice to all parties purchasing or holding the mark of saw logs in said notice described, of the right, title and interest of said persons above named and their assigns in the mark of the logs specified; and the said persons above named and their assigns shall have the right to attach any and all of the saw logs of such mark mentioned in such notice, in whosesoever hands the same may be found, in an action commenced by said persons above named, and their assigns against the person in whose name such mark is recorded for services in floating said logs over said rapids by aid of said dam, as in this act mentioned, and the improvement of said river, as herein permitted; and the said parties above named, and their assigns, may collect the sum so due to them in a civil action against the owner or owners of such logs, and against any and all parties claiming any right, title or interest in said logs; and the lien herein provided shall have preference over all other liens except laborers' liens or claims of laborers on said logs.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 25, 1882.

[No. 274, A.] [Published April 15, 1882.]

CHAPTER 225.

AN ACT to amend section 3, chapter 316 of the general laws of 1881, entitled "an act to provide for fishways in the outlet of Big Green Lake, Green Lake county, Wisconsin, and for the protection of fish and game in the Green Lake district."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fish and game.

SECTION 1. Section 3 of chapter 316 of the general laws of 1881 is hereby amended so as to read as follows: Section 3. For the better enforcement of this act and the general laws of this state for the protection and preservation of fish and game, the fish commissioners of the state of Wisconsin are hereby authorized and empowered to appoint some suitable person as fish warden, who shall be a resident of the district composed of the counties of Green Lake and Fond du Lac, who shall act as fish warden within the limits of said district. Said warden shall receive one hundred dollars per year compensation, from January 1, 1882, payable annually, two-thirds of said sum shall be paid by Fond du Lac county, and one-third by the county of Green Lake.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 260, A.] [Published April 14, 1882.]

CHAPTER 226.

AN ACT to amend chapter 190, of the laws of 1879, entitled "an act relating to the division of towns," and amendatory of section 671 of the revised statutes of 1878, relating to the division of towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Division of towns.

SECTION 1. Section 1 of chapter 190 of the general laws of 1879, is hereby amended by striking out the word "each" in the next to the last line of said section, and insert in lieu thereof the words "in one or both such," so that when so amended said section shall read as follows: Section 1. Section 671 of the revised statutes of 1878 is hereby amended so as to read as follows: Section 671. When thirty or more freeholders residents of any town, and at least one-third of the legal voters thereof shall petition the county board for a division of such town, such petitioners shall, at

least twenty days before the next annual town meeting, file a copy of such petition with the clerk of such town, who shall, at least ten days before such town meeting, give notice that the question of the division of such town will be voted upon at such town meeting, by posting notices thereof showing the manner in which it is proposed to divide such town, in four public places in each proposed subdivision thereof. The vote shall be by ballot, and those voting in favor of the division shall vote a ballot containing the words "for division," and those voting against the division a ballot containing the words "against division." The voters residing in each of the proposed subdivisions shall vote separately, and if a majority of the votes cast in either subdivision shall be in favor of division, the town clerk shall certify the fact to the county clerk, and thereupon the county board shall have power to divide such town accordingly. But no town shall be divided so as to constitute or leave any town of less than thirty-six sections according to United States survey, unless each such town, after division, shall have real estate valued at the last preceding assessment at thirty thousand dollars or more, and twenty-five qualified voters, resident therein at the time of division; and no town shall be divided or have any part detached therefrom, so as to make its area less than thirty-six sections, as aforesaid except when a majority of the votes cast "in one or both such " subdivisions as aforesaid, shall be in favor of such division.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 378, A.] [Published April 12, 1882.]

CHAPTER 227.

AN ACT to amend chapter 105 of the laws of 1880, entitled an act to allow general accident insurance companies to do business in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insurance companies.

SECTION 1. Chapter 105 of the laws of 1880 is hereby amended so as to read as follows. Section 1. It shall be lawful for accident insurance companies, organized under the laws of any other state or of any foreign governments, to make insurance upon individuals of this state against personal injuries, disablement

or death resulting from traveling or general accident by land or water, also against accidents by land or water, also against accidents to property from causes other than by fire or lightning, also guaranteeing the fidelity of persons holding places of public or private trust, under authority issued by the commissioner of insurance of this state. Such companies shall be possessed of a capital of one hundred thousand dollars actually paid up, and shall have the same amount deposited with the insurance department of the state where such company is organized, and shall file annual statements and shall be subject to the same fees and taxes as are now paid by fire insurance companies doing business in this state.

Shall file a statement.

SECTION 2. Every such corporation organized under the laws of any foreign government, shall in addition to the foregoing, file in the office of the commissioner of insurance a statement, verified by the oath of the president, secretary or manager residing in the United States, showing to the satisfaction of the commissioner of insurance that such corporation has invested in the stocks or bonds of the United States, of the states of New York or Wisconsin, such stocks or bonds to be in all cases equal to a stock producing six per centum per annum, and in bonds or mortgages on unincumbered real estate worth fifty per cent more than the amount loaned thereon, the sum of at least one hundred thousand dollars, and that such stocks or bonds are deposited with the superintendent of the insurance department, state treasurer or other proper state officer of some one of the states of the United States, or are held by citizens of the United States, as trustees, and that such securities are not pledged or incumbered, but are held and remain for the benefit and security of the policy holders of such corporation residing in the United States; or in default of such statement, shall deposit with the state treasurer for the benefit and security of policy holders residing in the United States, a sum not less than fifty thousand dollars or stocks of the United States, or of the state of Wisconsin, in all cases to be equal to a stock producing six per cent. per annum, said stocks not to be received by said treasurer at a rate above their par value, or above their current market value, or in bond and mortgages on improved unincumbered real estate in the state of Wisconsin, worth fifty per cent. more than the amount loaned thereon. The stocks and securities so deposited may be exchanged from time to time for other securities receiv-

able as aforesaid; and so long as the corporation so depositing shall continue solvent and comply with the laws of this state, such corporation may be permitted by the state treasurer to collect the interest or dividends on said deposits.

Reserve funds.

SECTION 3. The commissioner of insurance shall compute the reserve fund for re-insurance to be held by such companies at fifty per centum of the gross premiums received and receivable upon all policies which shall be in force at the time of making such computation. Whenever the capital of any company, authorized under this act, shall become impaired to the extent of fifteen per cent. or shall otherwise become unsafe, it shall become the duty of the commissioner of insurance to cancel the authority of such company.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 425, A.] [Published April 13, 1882.]

CHAPTER 228.

AN ACT to provide for building dams on and otherwise improving Jump river in this state for log driving purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Improving Jump river.

SECTION 1. D. P. Simons, his associates and assigns are hereby authorized to erect and maintain a flooding dam across the Jump river in Price county, Wisconsin, on the northwest quarter of the southwest quarter of section 32, town 34, range 1 west, and otherwise improve said river for driving logs and timber down said river and into the Chippewa river.

SECTION 2. The said D. P. Simons, his associates and assigns shall build suitable slides and flood gates in said dam for the purpose of sluicing and driving saw logs and timber through said dam and into the Chippewa river, and to keep the same in good repair, and operate the same for the purpose of facilitating the driving of logs down said stream and into the Chippewa river.

Tolls.

SECTION 3. When said dam and improvements heretofore mentioned shall have been made so as to render the floating of logs down and out of said stream from said dam reasonably certain, the said D. P. Simons, his associates and assigns, in consideration of the advantages derived from the making and operating of said im-

provements, shall be entitled to charge and collect tolls upon all logs and timber now in or put into said Jump river, or its tributaries, for the purpose of being floated into the Chippewa river, from the parties owning or controling the same, at the rate of ten cents per thousand feet for all logs put into said Jump river or its tributaries above said dam, at the rate of six cents per thousand feet for all logs put into said Jump river or streams flowing into or joining the same below said dam and east of the west line of range four; and at the rate of three cents per thousand feet for all logs put into the Jump river, or any tributary flowing into the same, west of the west line of range four.

SECTION 4. All tolls and charges herein specified shall be a lien on said logs and the same may be enforced as laborers' liens are enforced in Chippewa county.

SECTION 5. The right is hereby reserved to the state to repeal or change any of the provisions of this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 398, A.] [Published April 14, 1882.]

CHAPTER 229.

AN ACT to lay out and establish a state road from the village of Wonewoc in the county of Juneau to Hillsborough in the county of Vernon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State road.

SECTION 1. R. Fisk and Thomas Hogan of Juneau county and Thomas J. Shear of Vernon county are hereby appointed commissioners to lay out and establish a state road from the village of Wonewoc in Juneau county to the village of Hillsborough in Vernon county.

Map and field notes.

SECTION 2. The said commissioners shall make or cause to be made by some competent surveyor a plain and legible copy of the map and field notes of the survey and of the said road as by them located, and file one copy of the same with the town clerks of the towns of Wonewoc and Hillsborough and one copy of the said map and field notes with the county clerk of the counties of Juneau and Vernon.

Compensation.

SECTION 3. The said commissioners shall receive three dollars per day for the time actually employed

and necessarily spent by them in laying out and establishing said state road, which shall be in full for all services rendered by them, and they are hereby authorized in their discretion to employ some competent surveyor to make the survey and maps herein provided for, and at such price per day as may be by them agreed upon, not exceeding five dollars per day for the time and actually necessarily employed in such work.

SECTION 4. The expenses of laying out and establishing said state road shall be borne by the said counties of Juneau and Vernon, each in proportion to the length of the said state road in each of said counties.

SECTION 5. The supervisors of each of the towns through or into which said state road or any part thereof shall be located as aforesaid are hereby directed and required to cause such part thereof as shall be located in their said town to be opened and worked and put in a fair and reasonably good and safe condition for use as a public highway within one year from the date of the filing of a copy of the plat of the survey thereof in said town and thereafter to repair, improve and maintain the same as a public highway of said town.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 4, A.] [Published April 10, 1882.]

CHAPTER 230.

AN ACT to repeal chapter 297, laws of 1881, relating to divorce from the bond of matrimony.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Divorce.

SECTION 1. Chapter 297, laws of 1881, is hereby repealed. This act shall not affect any actions pending March 25, 1882, under the provisions of the act hereby repealed; but said action shall be had and judgment rendered in the same manner as though this act had not been passed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 169, A.] [Published April 14, 1882.]

CHAPTER 231.

AN ACT to authorize the town of Flambeau to issue bonds to pay the judgment against it in favor of McKinley and Evans.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town of Flambeau, in Chippewa county, Wisconsin, is hereby authorized to issue its coupon bonds whenever the board of supervisors of said town shall so determine, by a recorded vote, to the amount of not exceeding two thousand dollars, for the purpose of paying the balance due on the judgment entered against said town in the circuit court for said county in favor of McKinley and Evans. **Bonds.**

SECTION 2. Said bonds shall bear interest at the rate of six per cent. payable semi-annually, and shall be made payable to bearer at some one of the banks in said county. **Interest.**

SECTION 3. Said bonds shall be made payable one-half in one year and one-half in two years after the date of their issue. They shall be sold at not less than par, under the direction of said board, and the proceeds used to pay and discharge said judgment. **When payable.**

SECTION 4. Said bonds shall be signed by the chairman of the board of supervisors and attested by the town clerk of said town, and the said board shall levy a tax sufficient to pay said bonds as they come due, together with the interest thereon.

SECTION 5. This act shall take effect and be in force from and after after its passage and publication.

Approved March 25, 1882.

[No. 47, S.] [Published April 7, 1882.]

CHAPTER 232.

AN ACT to amend chapter 127 of the laws of 1881 entitled an act to authorize the town of Kewaunee to build and maintain a bridge across the Kewaunee river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town board of supervisors of the town of Kewaunee, in the county of Kewaunee, is hereby authorized to build and maintain a bridge across the Kewaunee river, to commence at the foot of Main street, in the village of Kewaunee, on the south side of said river, to a highway on the north side of said river, the said highway running on the section line be- **Bridge across Kewaunee river.**

tween sections seventeen (17) and eighteen (18), township twenty-three (23) north, of range twenty-five (25) east.

Keep same in repair.

SECTION 2. It shall be the duty of said town board of supervisors, when said bridge is completed, to keep the same in good repair, and to keep at all seasons of navigation, sufficient manual force to open and close the same so as to admit the passage of vessels and other water crafts with the least possible delay.

Funds necessary.

SECTION 3. The funds necessary to build and maintain said bridge shall be raised by taxation upon all the taxable property in the said town of Kewaunee, to be levied and collected as other taxes in said town are levied and collected; provided, however, that the question of raising money to build such bridge be submitted to a vote of the qualified electors of said town at any annual town meeting as provided in subdivision 7 of section 776 of the revised statutes.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 164, S.] [Published April 7, 1882.]

CHAPTER 233.

AN ACT to amend chapter 211 of the laws of 1881, entitled an act to encourage the manufacture of syrup and sugar, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Syrup and sugar.

SECTION 1. There is hereby appropriated for the professor of agriculture in charge of the experimental farm of the state university, out of any money in the state treasury not otherwise appropriated, the sum of two thousand dollars, to be expended in the manner and for the purpose contemplated by chapter 211 of the laws of 1881 entitled "an act to encourage the manufacture of syrup and sugar, and for other purposes, and the disbursement of said money shall be subject to provisions of said chapter.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 295, A.] [Published April 14, 1882.]

CHAPTER 234.

AN ACT to provide for the election of superintendents of the poor in the county of Iowa.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county board of supervisors of Iowa county in this state shall, at their annual meeting in November, A. D. 1882, elect three of their number to act as superintendents of the poor; one of said persons so elected shall hold his office for one year, one for the term of two years, and one for the term of three years; and annually thereafter said board of supervisors shall elect one of their number to act as superintendent of the poor, and said person so selected shall hold his office for three years and until his successor is elected and qualified. Superintendents of poor.

SECTION 2. The superintendents provided for in the first section in this act, when duly elected, shall have all the powers, perform all the duties, and be under the same restrictions as superintendents of the poor provided for in sections 1521, 1522, 1523 and 1524 of chapter 63 of the revised statutes of 1878. So much of chapter 19 of the private and local laws of 1871 conflicting with the provisions of this act is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 348, A.] [Published April 8, 1882.]

CHAPTER 235.

AN ACT to authorize the commissioners of the Wisconsin Railroad Farm Mortgage Land Company to close up the business of said corporation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of the said Wisconsin Railroad Farm Mortgage Land Company are hereby authorized and empowered to revise and correct the list of mortgagors who are entitled to participate in the funds of said company now filed with the secretary of state, striking therefrom any and all claims which have been erroneously entered in said list, and in cases where it shall appear from evidence satisfactory to said commissioners that any claim has been erroneously or wrongfully entered upon said list for the Close up business.

whole amount thereof, or for an amount greater or less than is justly entitled to be so entered, the said commissioners may correct the same in accordance with the equities of such claim; provided, that at least thirty days' notice shall be given to such claimants or their attorneys of the time and place of hearing such evidence by publication or otherwise, and after said list is so revised by said commissioners a true and corrected copy of said list shall be filed with the secretary of state.

May sell.

SECTION 2. The said company may as soon as practicable sell and convey for cash, at public or private sale, as the commissioners of said company shall deem to the best advantage of said company, all the balance and remainder of its property, real, mixed, personal and choses in action of any nature whatsoever, except moneys and bank accounts.

SECTION 3. The purchaser or purchasers of said property shall have and acquire under such sale, all the rights of said company, and assume all the obligations of said company in relation to the property to be disposed of under this act and mentioned in the foregoing section.

Nine mile limits.

SECTION 4. The sale by the said company heretofor made, or its claim for indemnity lands in the nine mile limits granted by act of congress of June 3, 1856, north of the St. Croix river or lake, and of all its right, title or interest in and to the decree rendered in its favor for said indemnity lands, in the case of the Madison & Portage Railway Company against the North-Wisconsin Railway Company, and others, in the circuit court of the United states for the western district of Wisconsin, is hereby ratified and fully confirmed, and the purchaser thereof, his heirs and assigns, is hereby declared to be the legal successor of said Wisconsin Railroad Farm Mortgage Land Company as to said claim, decree and lands, and shall have and possess as to the same, all the rights, title, privileges and immunities of every name and nature which the said Wisconsin Railroad Farm Mortgage Land Company would have possessed as to the same.

Dividend.

SECTION 5. The company is authorized to make a third dividend, if in its judgment a sufficient fund be left for that purpose without encroaching upon the first and second dividend funds, taking into consideration all claims received on or before the first day of May next; and the said company may, in its discretion, on or before the first day of December, 1883, make a list of all

claimants who, at the time of making such list, have been paid the first, second, and, if declared, the third dividend; a separate list of those who have been paid the first and second dividend; a separate list of those who have received the first dividend only, and another list of those who have proved their claims but have not called for any dividend, giving as far as practicable the present post office address of the respective claimants in such lists, or their heirs, where claimants are dead, and file the same with the secretary of state, and the said company shall, at the same time of filing said lists, turn over and pay to the state treasurer all its money and bank accounts, and take his receipt therefor, and the said company shall at the same time make its report in writing, to the secretary of state of its proceedings under this act.

SECTION 6. The state treasurer upon receiving the said funds in accordance with the provisions of this act shall hold the same in trust for said claimants, and pay the same to such as have not already been paid, and whose names appear upon such lists in the same manner as those paid by said company. Shall hold in trust.

SECTION 7. The time for filing and proving claims for dividends against said company shall be and the same is hereby limited to the first day of May, 1882.

SECTION 8. Upon the filing and approval of the report of said company mentioned in section 5 of this act by the secretary of state, the said commissioners shall be relieved and discharged of their trust, except so far as it may be necessary for said commissioners to act in order to maintain their rights in defending litigation, and to carry out and confirm any contract or sale heretofore made.

SECTION 9. Any acts or parts of acts conflicting with this chapter are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 25, 1882.

No. 245, A.] [Published April 14, 1882.]

CHAPTER 236.

AN ACT to authorize the city of Ahnapee to build a bridge across the Ahnapee river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city of Ahnapee is hereby authorized to build and construct a suitable bridge across the Bridge.

Ahnapee river, commencing on the south bank of said river at a point opposite the north end of Fourth street in said city of Ahnapee, and running thence on or near the east line of section twenty-seven (27) across said river. Said bridge shall be provided with a suitable draw whenever necessary so as to admit the passage of boats and vessels.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 25, 1882.

[No. 427, A.] [Published April 10, 1882.]

CHAPTER 237.

AN ACT to authorize the superintendent of public property to furnish stationery and stamps to employes of the senate and assembly, and to appropriate money therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Stationery and stamps.

SECTION 1. The superintendent of public property is hereby required to furnish those regular employes employed during the entire session of the senate and assembly for the year 1882, except messengers who have been regularly employed under authority of law under the clerk and sergeant-at-arms thereof and to the committee clerks of the senate and assembly, stationery to the amount of three dollars each, and postage stamps to the amount of two dollars each, and the chief clerk and sergeant-at-arms of the senate and assembly shall each certify to the superintendent of public property a true list of the names of such employes in their respective departments.

SECTION 2. There is hereby appropriated to the superintendent of public property, out of any money in the state treasury not otherwise appropriated, a sum sufficient to meet the requirements of the preceding section.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 25, 1882.

[No. 238, A.] [Published April 6, 1882.]

CHAPTER 238.

AN ACT to incorporate the city of Monroe.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The inhabitants of the district included within the following limits and boundaries, to-wit:

The east half of the northeast quarter of section number thirty-four, the southeast quarter of section number thirty-four, and the north-east quarter of the southwest quarter of section number thirty-four and so much of the southeast quarter of the southwest quarter of section number thirty-four as is included Scott's addition, and the southwest quarter of northeast quarter, and southeast quarter of northwest quarter of section number thirty-four, all of section number thirty-five, in town number two north, range seven east, and fractional lots number one, two, three, four, five, six, eleven and twelve of section two, in town number one, range seven east, and fractional lot one, two, three, six, seven, eight, nine, ten and eleven of section three, town one, range seven east, in the county of Green and state of Wisconsin, are hereby declared a body corporate and politic under the name and style of the "city of Monroe," and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying real and personal estate, and shall have a common seal, and may alter the same at pleasure, and shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations pertaining to a municipal corporation. Boundaries.

SECTION 2. The said city shall be divided into two wards, the boundaries of which shall be as follows: All of that territory within the boundaries of the said city of Monroe lying north of the center of Racine street, and a continuous line of the center of said Racine street west to the highway, and thence along the center of said highway to the west boundary of said city of Monroe, shall constitute the first ward; and all the territory within the boundaries of the city of Monroe lying south of the above described line shall constitute the second ward. Wards.

SECTION 3. The corporate authority of said city shall be vested in one municipal officer, styled the mayor, in one board of aldermen consisting of two members from each ward, who with the mayor shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act. Style of officers.

ELECTIONS.

SECTION 4. The annual election for ward and city officers shall be held on the first Tuesday in April in Elections.

each year, at such places in each ward as the common council shall designate, and the polls shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon; and ten days previous notice shall be given by the common council of the time and place of holding such elections, and of the city and ward officers to be elected.

Elective officers.

SECTION 5. The elective officers of said city shall be a mayor, a treasurer, an assessor, four justices of the peace, and three constables, elected by and for the city at large; and two alderman for each ward; there shall be elected annually two justices of the peace at large, and one alderman for each ward, one supervisor to represent his ward in the board of supervisors of Green county, to be elected by and for each ward.

Qualification of officers.

SECTION 6. The mayor, treasurer, assessor, shall be freeholders in said city, and all the city and ward officers aforesaid shall be qualified voters and residents of the city, and in the ward for which they were elected. The city clerk, marshal and street commissioner, and all other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified, except justices of the peace and aldermen, who shall hold their respective offices for two years, and until their successors are elected and qualified; provided, however, the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. The mayor shall have power to suspend any police officer or watchman appointed by the council, when complained of, for cause, until the council shall take up his case and dispose of it. He shall also have power to fill any vacancy thus created for the time being.

How vacancy to be filled.

SECTION 7. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy shall hold his office and discharge the duty thereof for the unexpired term, except in case of alderman, whose appointments shall continue only until the next charter election, when the vacancy shall be filled by an election, and with the

same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SECTION 8. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct. Elections to be by ballot.

SECTION 9. All persons who are qualified electors of the state of Wisconsin, and who shall reside in the ward where they offer their vote, shall be deemed qualified electors of said city and ward. Qualified electors.

SECTION 10. The first election of said city shall be held on the eleventh day of April, A. D. 1882. The qualified electors of said city shall elect one mayor, one treasurer, one assessor, four justices of the peace, three constables at large. The justices of the peace two to serve one year, two to serve two years and two aldermen for each ward, one in each ward to serve for one year, and one for two years, and one supervisor for each ward; and which said officers shall be qualified voters in said city, and the aldermen and supervisors shall be residents of the ward for which they are elected. The first election of said city shall be held for the first ward at the court house in said city, and for the second ward at the Tremont House in said city. The voters present shall have power to proceed by nomination and viva voce, to elect three inspectors and one clerk, whose duty it shall be, after being sworn, to see that the election shall be conducted according to the laws of the state of Wisconsin; provided, further, that the returns of the first election shall be made to the village clerk of the village of Monroe, who, with the president of said village of Monroe, shall certify to and notify the officers elected. When first election shall be held.

SECTION 11. The election in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of election for their respective wards, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths; and in case of the absence of any or all of the aldermen of the ward at the time for opening the polls, the voters present shall select some person or persons to act in their places, as in- Election to be conducted by aldermen.

spectors of election. Said elections shall be held and conducted in the same manner, and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections.

Shall make return of election.

SECTION 12. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such return to the city clerk, within three days after any election. The common council shall, on the fourth day after such election, meet and canvass said returns, and declare the result, as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

How special election shall be held.

SECTION 13. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the same returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

Fill vacancies.

SECTION 14. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

Votes on one ballot.

SECTION 15. The votes for aldermen and all other elective officers shall be on one ballot, and shall be deposited in one ballot box.

OFFICERS—THEIR POWERS AND DUTIES.

Powers and duties of officers.

SECTION 16. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the clerk of the city; and the treasurer, clerk, marshal, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Monroe a bond, with at least two sureties, who shall swear that they are worth in the aggregate, the penalty specified in said bond over and above all debts, exemptions and liabilities, and said

bonds shall contain such penal sum, and such conditions as the common council may deem proper; and they may, from time to time, require new, additional bonds and remove from office any officer refusing or neglecting to give the same.

Mayor to preside over all meetings.

SECTION 17. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and head of the police of the city, and in case of a riot or other disturbance, or apparent necessity, he may appoint as many special or temporary constables as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any ordinance or resolution passed by the common council, by notifying the common council of his objection thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not within one week after the receipt of such objections or such filing with the clerk, re-enact such ordinance, or pass such resolution by the votes of two-thirds of the alderman elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after the passage of the same, unless sooner approved in writing by the mayor or acting mayor for the time being.

Mode of electing president.

SECTION 18. At the first meeting of the common council in each year, they shall proceed to elect by ballot one of their number president, and, in the absence of the mayor, the said president shall preside over the meetings of the common council, and during the absence of the mayor from the city or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor, except the signing of city bonds. In case the mayor and president shall be absent at any meeting of the common council, they shall proceed to elect a temporary presiding officer who for the time being shall discharge all the duties of the

mayor. The president, or temporary presiding officer, while presiding over the board or performing the duties of mayor, shall be styled "acting mayor," and acts performed by them or any of them shall have the same force and validity as if performed by the mayor, excepting the signing of the city bonds; and the said common council shall also at their first meeting in each year elect a clerk for the city, also a chief engineer and first and second assistant engineers of the fire department, who shall hold their respective offices for the term of one year, and until others are elected and qualified.

Duties of clerk.

SECTION 19. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council certified by him to have been compared by him with the original, and to be a correct transcript therefrom, under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced. He shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and the renewals thereof, and safely keep the same, receiving therefor the same compensation as clerks of towns; and chattel mortgages so filed, and the renewals thereof, shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

How justices qualify.

SECTION 20. The justices of the peace elected under this act, shall have the same jurisdiction and perform all the duties of the justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that the official bonds or agreements shall be approved by a majority of the common council.

Jurisdiction of constables.

SECTION 21. The constables elected under this act shall have the same jurisdiction as other constables, and shall qualify in the same manner as constables elected in organized towns, except the official bond of such constable shall be approved by the mayor, and filed with his oath of office in the office of the city clerk.

SECTION 22. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city or the laws of this state. All moneys, raised, received, recovered or collected, by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order issued by order of the common council, and signed by the mayor and countersigned and attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, which book shall, at all reasonable times, be open to the inspection of any person. He shall, every three months, and so often as the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services he shall be entitled to compensation as hereinafter provided, and he shall have the same powers and be subject to the same liabilities, and be governed by the same laws as treasurers of towns; provided, that he shall receive no other fees except the compensation hereinafter provided. Duties of treasurer.

SECTION 23. The marshal shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilites. It shall be his duty to execute and return all writs and process to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city or law of this state, may pursue and serve the same in any part of the state. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city, to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state; and within reasonable time bring such person before competent authority Duties of marshal.

for examination; and for such services he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible and of whom he may require bonds for the faithful discharge of their duties.

Duties of street commissioner.

SECTION 24. The street commissioner shall see that all ordinances of the city relating to the obstructions and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers and waters of the rivers in said city, are duly observed and kept, and shall have the general supervision over all grading, paving, graveling, planking, repairing and cleaning of streets, bridges, alleys, public grounds and gutters, and such other duties as the ordinances of said city may prescribe, unless the common council shall otherwise direct. They shall receive such compensation as the council may determine.

Further duties may be required of any officer.

SECTION 25. The common council shall have the power from time to time to require other and further duties, to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them: such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Official newspaper.

SECTION 26. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city in which shall be published, all ordinances and other proceedings and matters required by this act or by the by-laws or ordinances of the common council, to be published in a public newspaper, which printing or publishing shall be let by contract to the lowest bidder or bidders.

Shall file a copy.

SECTION 27. The city printer or printers, immediately after the publication of any notice or ordinance or resolution or by-law which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of the time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

SECTION 28. If any person having been an officer in said city, shall not within ten days after notification and request deliver to his successor in office, all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state. Penalty for non-delivery to successor.

SECTION 29. No alderman shall be a party to or interested in any job or contract with the city or any of the wards; and any contract in which any alderman may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same. Jobbery.

SECTION 30. The mayor or acting mayor, sheriff of Green county, and each and every alderman, justice of the peace, marshal, under sheriff and deputy sheriff of Green county, and policeman, watchman and constables of said city, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders and if need be of all citizens; and if any person, bystander or citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of not more than fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings. May command the peace.

SECTION 31. There may be elected by the common council a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council. City surveyor.

Jurisdiction of justices.

SECTION 32. The justices of the peace elected under this act shall have the same jurisdiction in civil and criminal cases and perform all duties of justices of the peace as provided by the general laws of the state, and in addition thereto they shall have jurisdiction in all cases arising under the ordinances heretofore or hereafter passed by said city, unless therein otherwise provided.

Justices to report proceedings.

SECTION 33. The justices of the peace shall, as often as the common council may require, report to the common council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him and belonging to said city; and said justices shall be entitled to receive from the county of Green such fees in similar cases as are allowed to other justices in the county for similar services.

Duties of assessor.

SECTION 34. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing towns; and his compensation therefor shall be the same as provided by law for the compensation of town assessors.

THE COMMON COUNCIL — ITS GENERAL POWERS AND DUTIES.

Powers and duties.

SECTION 35. The mayor and aldermen shall constitute the common council, and shall not receive any compensation for their services, and the style of all ordinances shall be: "the mayor and common council of the city of Monroe do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct. A majority of the aldermen shall constitute a quorum.

First annual meeting, when held.

SECTION 36. The common council shall hold their first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings at such times as they shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally, or left at their places of abode. The common council shall determine the rules of their own proceedings, and be the judge of the election and qualification of their own members, and have the power to compel the attendance of absent members.

Control of the finances.

SECTION 37. The common council shall have the management and control of the finances, except school moneys, and of all the other public property in the city; and shall likewise in addition to the power herein

vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime and for the benefit of trade, commerce and health thereof, and so enforce as they shall deem expedient; declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by laws, are hereby declared to be and have the force of law; provided, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authori y, by ordinance, resolution or by-laws:

License shows, etc.

1st. To license, regulate, suppress or prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys; to provide for the abatement and removal of all nuisances under the ordinances of said city, the laws of the state, or at common law, and may grant licenses for, and regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same; and all such licenses granted shall run from the first day of May in each year to the first day of May following; provided, however, that when any such license may be applied for, after that date, the same may be granted, to expire on the first day of May of each year, on applicant paying pro rata therefor; but no license shall be granted for a longer term or period than one year.

Suppress gambling, etc.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices and all playing of cards, dice, or other games of chance with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council; and to license, regulate and suppress hawkers and peddlars.

Prevent riots.

3d. To prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Nauseous places.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tan-

nery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses.

5th. To direct the location and management of slaughter houses and markets, and regulate the storage keeping and conveying of gunpowder or other combustible materials.

Encumbering of streets.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons sleighs, boxes, lumber, pine, wood, or any other materials or substances whatever.

Prevent horse-racing.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Restrain cattle.

8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of proceedings.

Dogs.

9th. To prevent the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

Muzzling dogs.

10th. To provide for the secure muzzling of dogs, and for the killing and destruction, in a summary manner, all dogs not muzzled, found within the said city running at large.

Putrid carcasses.

11th. To prevent any person from bringing, depositing, or having, within said city, any putrid carcases, or other unwholesome substances, and to require the removal of the same by any person, who shall have upon his premises, any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Public pounds.

12th. To make and establish public pounds, pumps, wells, cisterns, and reservoirs, to erect lamps, and to regulate, and license, omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen and all others who may pursue like occupations, in this city, and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise.

13th. To establish and regulate boards of health, provide hospitals, pest houses, and the return of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation. Boards of health.

14th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Weight of bread.

15th. To prevent all persons riding or driving any ox, mule, cattle, or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks. Cattle on sidewalks.

16th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fire works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof. Shooting off firearms.

17th. To restrain drunkenness, or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. Restrain drunkards.

18th. To restrain and regulate runners and solicitors for stages, public houses, or other establishments, and to establish and regulate the police of the city. Regulate runners.

19th. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. To remove snow, dirt, etc.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same. Hay.

21st. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city. Infectious diseases.

22d. To regulate the time, place and manner of holding of public auctions or vendues. Public auctions.

23d. To appoint watchmen and prescribe their duties. Watchmen.

24th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

Protect trees, etc.

25th. To protect trees and monuments in said city

Repair of highways.

26th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury.

Change names of streets.

27th. To alter or change the name of any street in the city.

Ordinances.

28th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city, by any ordinance thereof.

reweries.

29th. To direct the location, and regulate and license breweries, tanneries and packing houses.

Vote of council.

SECTION 38. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council, and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city once before the same shall be in force; and within fifteen days thereafter they shall be recorded by the said clerk, in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication; and such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of the majority of the members of the common council in its favor.

Duties of council.

SECTION 39. The powers conferred upon the said council, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceeding in the courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored

or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Shall examine accounts, etc.

SECTION 40. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers and agents of the city, at such time as they may deem proper, and also, at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired; and the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers, for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account, or present his books, funds, moneys and vouchers, to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

Corporate authority in whom vested.

SECTION 41. The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of two members from each ward, who, with the mayor shall be denominated the common council, together with such other officers as may be created under this act.

FINANCE AND TAXATION.

Finance and taxation.

SECTION 42. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council, and all orders upon the treasury shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes, for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of said city, which shall be collected in money or in

orders drawn upon such fund respectively; and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

Levy tax annually.

SECTION 43. The common council of said city shall annually levy upon the taxable property of said city, to defray the current expenses of said city and its schools, a tax sufficient for that purpose.

Cannot issue bonds unless specially authorized.

SECTION 44. The common council of said city shall not have power to issue any bonds or other evidence of debt payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, and duly authorized by a majority vote of the electors of the city, nor shall the common council issue in any one year, orders upon the city treasury to an amount greater than the amount of taxes which may be levied under the provisions of this act; provided, that whenever it shall be necessary to build or repair bridges, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year; and the said taxes, when so levied, shall be collected at the same time as other city taxes are collected.

Taxes may be levied at any regular meeting.

SECTION 45. Taxes may be levied by the common council, at any regular meeting, for the purpose of paying any outstanding indebtedness of the city of Monroe, and also for the payment of any bonds, or any other evidence of debt, hereafter issued or created, in accordance with the provisions of this act, or by any authority of law. Said taxes, when so levied, shall be collected at the same time that other city taxes are collected.

SECTION 46. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

Disallowing accounts.

SECTION 47. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Green, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that may be adjudged against the appellant by the court.

SECTION 48. The city clerk, upon such appeal being taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with the decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Green, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner; provided, however, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council, exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess. Notice of appeal.

SECTION 49. No action shall hereafter be maintained by any person against the city of Monroe, upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city, and neither the said city nor any ward thereof, nor officer within said city shall be liable for any damage that may happen by reason of any defection in any sidewalk in said city, unless the street committee of the proper ward, or mayor or common council shall have first had actual notice of such defection, and reasonable time thereafter to repair the same. No action shall be maintained.

SECTION 50. The determination of the common council, disallowing, in whole or in part, any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, or unless such council shall consent and agree to the institution and maintenance of an action by such claimant against the city; provided, however, that when the common council shall refuse or neglect to act upon any claim duly presented to them, this chapter shall not be construed so as to prevent the institution and maintenance of an action by said claimant against said city. Action of council conclusive.

OPENING OF STREETS AND ALLEYS.

Opening streets and alleys.

SECTION 51. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, and the general law now in force in regard to the laying out of streets and alleys in villages, shall be applicable to the laying out of streets and alleys in the city of Monroe.

POLL TAX.

Poll tax.

SECTION 52. The said city of Monroe shall not constitute any part of any ward district, neither shall any property in said city be subject to payment of road taxes; but a poll tax of one dollar in lieu of the highway poll tax now provided for by law may be levied by the common council on such persons as are by law liable to pay a highway poll tax, and for that purpose it shall be the duty of the street commissioner, on or before the first Monday of July, to return to the trustees a list of all such persons residing in the city. The common council may thereupon, by warrant, order the street commissioner to collect said tax from each person liable to pay the same, and to expend the same upon the streets, and for this purpose the street commissioner shall have the same powers, duties and liabilities as an overseer of highways, and such tax shall be collected and paid into the city treasury.

Cemetery.

SECTION 53. The cemetery grounds now owned by the village of Monroe and controlled by the trustees of said village of Monroe, shall hereafter be owned by the city of Monroe and be under the control of the mayor and common council of the city of Monroe and they shall be empowered to purchase in the name of said city additional grounds for cemetery purposes.

CHAPTER VIII.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

Assessing taxes.

SECTION 54. All property, real or personal, within the city, excepting such as may be exempt by the laws of the state, shall be subject to taxation for the support of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed in the manner now prescribed by law.

General law in force.

SECTION 55. All the general laws of this state, which are now or may hereafter be in force relative to the assessment and collection of taxes shall be in force in said city except as otherwise herein specially provided, and the city treasurer shall proceed to collect

the taxes and all assessments of said city in the same manner as is required by law of the town treasurer to collect taxes, except as herein provided.

FIRE DEPARTMENT.

SECTION 56. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section. Fire department.

SECTION 57. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fireworks and firearms; to compel the owners and occupants of buildings to have scuttles in the roof and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens, and other officers of the city to keep away from the vicinity of a fire, all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section. Dangerous buildings.

SECTION 58. The common council shall have full power to purchase fire engines, and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the Purchase fire engines.

due and proper support and regulation of the same. and to order such companies to be disbanded and their meetings to be prohibited and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer and assistant engineer, who shall be appointed by the council, and form its own by-laws, not inconsistent with the laws of the state or the ordinance and regulations of said city, and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax and from serving on juries, and military duty except in case of war, insurrection or invasion, during the continuance of such membership; and any person having served for the term of ten years in either of such companies shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Fire wardens.

SECTION 59. The mayor shall appoint two fire wardens for each ward subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, store, barn or enclosure for the purpose of inspecting the same.

Penalties, how disposed of

SECTION 60. One half of the net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department.

Penalty for not obeying engineer.

SECTION 61. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; any person who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

mpany.

SECTION 62. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such names as they may select, and shall

consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the engineers; the members of the said company either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Monroe, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department, except exemption from jury duty. At fires they shall take charge of all property which may be exposed or endangered, and shall, as far as may be in their power, preserve the same from injury or destruction; such company may, from time to time, adopt such by-laws as they may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Duties of treasurer.

SECTION 63. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city, in such penal sum as may be required, and with sureties to be approved by the common council; such moneys shall only be paid out on orders signed by the chief engineer, or acting chief engineer, and countersigned by the clerk of said department.

Officers to be elected.

SECTION 64. There shall be elected by the members of each company aforesaid, annually at their annual meetings, a clerk or secretary and a treasurer, who shall, on or before the first Monday of May, in each year, return to the city clerk, a list containing the names of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given to the city clerk.

Record to be kept by city clerk.

SECTION 65. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries as above provided; and no persons shall be

exempt from jury duty unless the name is entered on such list. In case any person shall for any cause cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Green a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed or which may hereafter be appointed for the annual meeting of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

ACTION TO RECOVER PENALTIES, ETC.

To recover penalties.

SECTION 66. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city, and shall be commenced by complaint substantially in the following form:

Forms.

STATE OF WISCONSIN, }
Green County, City of Monroe, } ss.

—— —— being duly sworn, complains on oath to the justices of the peace of the city of Monroe, that that —— —— did, on the —— day of ——, 18—, violate the —— section of an ordinance, by-law or resolution, (describing it by its title), which said —— is now in force, as this complainant verily believes, and prays that said —— —— may be arrested and held to answer to the city of Monroe therefor.

Subscribed and sworn before me this —— day of ——, 18—.

It shall be sufficient to give the number of the section and chapter of this act, or the section of the ordinance, by-law or regulation violated in the foregoing forms of complaint; and said complaint may be sworn to before any officer authorized to administer oaths. Upon the filing of such complaint with the justice of the peace, he shall issue a warrant substantially in the following form:

Forms.

STATE OF WISCONSIN. }
City of Monroe, County of Green, } ss.

To the sheriff or any constable of said county, or to the marshal of the city of Monroe greeting:

Whereas, —— —— has this day complained to me, in writing, on oath, that —— —— did. on the —— day of ——, 18—, violate the section or sections of an ordinance, by-law, regulation or law (describing it by its title), which said —— is now in force and effect, as

said complainant verily believes. Therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the body of the said —— ——, and bring him before the justice of the peace of said city, to answer to said city of Monroe, on the complaint aforesaid.

Given under my hand, this ——— day of ——, 18—.

—— ——, Justice of the Peace.

Proceedings on the case.

SECTION 67. Upon the return of the warrant, the court may proceed summarily with the case, unless it be continued by consent, or for cause. If the cause be adjourned, the defendant, if required by the court so to do, shall recognize with surety for his or her appearance, in such sum as the court shall direct, or in default therefor may be put in charge of the officer who made the arrest, or be committed to the common jail of Green county. The complaint made aforesaid shall stand in lieu of a declaration, and the plea of "not guilty" shall put at issue all subject matter which pertains to the defense of the action.

Printed copy to be prima facie evidence.

SECTION 68. A printed copy of an ordinance, by-law or resolution passed by the common council, and published in a newspaper, or in pamphlet or book form, shall be *prima facie* evidence of its due passage and publication, and may be received in evidence after issue joined and before trial in all cases cognizable before the justice of the peace.

Witnesses and jurors shall attend without fees.

SECTION 69. Witnesses and jurors shall attend before the police court in all city and criminal prosecutions, without the payment of fees in advance, or a tender thereof, upon the process of the court duly served, and in default thereof their attendance may be enforced by attachment. In case the jury, after being kept a reasonable time, should disagree, they shall be discharged, without the payment of fees, and thereupon the court shall adjourn the cause to a day certain, and issue a new venire as aforesaid.

Proceedings of court.

SECTION 70. In city prosecutions the finding of the court or jury shall be either "guilty" or "not guilty." If guilty, the court shall render judgment thereon against the defendant for the fine, penalty or forfeiture prescribed in this act or in the ordinance, by-law or regulation for the violation of which the person or persons shall have [been] adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. And in all cases of conviction in actions brought or prosecuted to recover a penalty, fine or forfeiture under any of the provisions of

this act, or for the violation of any ordinance of said city, the court shall enter judgment against the defendant for the fine and costs of prosecution, and if the defendant shall neglect or refuse to pay such fine and costs the court shall enter a judgment that the defendant be imprisoned in the county jail of Green county for such term as may be prescribed by this act or the ordinance violated, not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment; or the court may, in its discretion, in case of the nonpayment of such fine and costs as aforesaid, enter judgment that said defendant be imprisoned as aforesaid, and kept at hard labor for the benefit of the city of Monroe, in the said jail or upon the public streets or elsewhere within said city, under the supervision of the city marshal or such member of the police force as may be detailed by the mayor for that purpose, for the period of time for which such person or persons shall have been so committed, unless the judgment and expenses of imprisonment are sooner paid; and all persons so committed and kept at labor shall be allowed one dollar per day for each day's labor rendered, exclusive of board, and the amount so earned shall be applied in liquidation of the judgment until the same shall be fully paid by such labor, at which time the judgment shall be satisfied and the defendant discharged from custody.

Forms.

Such execution may be in the following form:

County of Green, }
City of Monroe, } ss.

The state of Wisconsin, to the sheriff or any constable of said county, and to the keeper of common jail of said county greeting:

Whereas, the said city of Monroe, on the —— day of ——, 18—, recovered a judgment before the undersigned, one of the justices of the peace in and for said city, against —— ——, for the sum of —— dollars and —— cents, costs of suit, for the violation of section —— of chapter —— of this act, or section —— of an ordinance, or by-law or regulations of said city (describing it by its title): You are hereby commanded to levy distress of the goods and chattels of said —— ——, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattles whereon to levy, to take the body of said —— —— and him

convey and deliver to the keeper of the common jail in Green county, and the said keeper is hereby commanded to receive, keep in custody in said jail, the said —— ——, for the term of ——, unless the said judgment together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand, this —— day of ——, 18—.

—— —— Justice of the Peace.

The form of the commitment shall be sustantially the same as that of the execution, omitting all that relates to the levy and sale, and return of writs.

Defendant may appeal.

SECTION 71. In all cases where judgment is rendered against a defendant for the recovery of fines or penalties mentioned in this act, or the ordinances now in force or hereafter to be ordained, the defendant may appeal from such judgment to the circuit court of the county of Green in the same manner as is now provided by law, from judgments of justice of the peace in criminal cases.

Trial of appeal.

SECTION 72. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the justice of the peace shall be rendered, and no notice of trial shall be required to be given to or by either party.

SECTION 73. If the judgment of the justice of the peace shall be affirmed, or if upon the trial the defendant shall be convicted, the court shall inflict the penalty provided by this act or the ordinance, resolution, by-law or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution as in action of tort.

Not incompetent.

SECTION 74. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

How actions shall be commenced.

SECTION 75. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served, forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Penalties, where paid.

SECTION 76. All penalties and forfeitures recovered and collected under and by virtue of this act shall

be paid into the city treasury for the use and benefit of said city, except as provided in chapter 9 of this act.

City property exempt from action or judgment.

SECTION 77. All fire engines, hose carts, hooks and ladders, and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders and other apparatus and implements, shall be exempt from attachment or execution issued in any action or on any judgment wherein the said city shall be a party.

Cannot be sold on attachment.

SECTION 78. No real or personal property of any inhabitant of said city, or of any individual or corporation shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city, or on any judgment against said city.

Pardons.

SECTION 79. The mayor shall have power to grant pardons or commutations after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such actions to the council at its next meeting, with the reasons therefor.

Ordinance to be referred to appropriate committee.

SECTION 80. Every ordinance, resolution or by-law providing for the repairing, construction or re-construction of any sidewalk or gutter, or for the grading, repairing or improving of any street at the expense in whole or in part of the owners of the lots or parcels of land abutting or fronting on such sidewalk, gutter or street shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of said city.

Grade of streets.

SECTION 81. The common council of the city of Monroe shall have power to establish the grade of the streets of said city, and to change and re-establish such grade as they shall deem expedient; provided, that whenever they shall establish, change or alter the grade of any street, any person who shall claim to have sustained damages by such establishing, change or alteration of grade shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor

until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

Duty of marshal.

SECTION 82. It shall be the duty of the city marshal to see that all the ordinances of the city relating to the obstructions and cleaning of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters and water courses in said city are duly observed and kept; the committee on streets shall have a general supervision over all works let by contracts for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

Established grade of sidewalks, etc.

SECTION 83. Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid in the manner, of the material or at the time as so directed, the common council may cause the same to be constructed forthwith, at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable responsible bidder, and notice shall be given by publication in the official paper of the city, at least for three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground, in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until twenty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk by the publication of the same, at least five days in the official paper of the city; provided further, that lands used exclusively for farm purposes, not platted, shall not be liable for, nor the owner or owners thereof be required to build or maintain sidewalks along or fronting such lands, under the provisions of this chapter.

Council may order construction of building as they deem proper.

SECTION 84. The common council shall have power, by a vote of two-thirds of all the members of the common council, to order the building, construction re-con-

struction or repair of sidewalks in the city of Monroe in such manner as they may deem proper. The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder; provided, such bid is a reasonable one, subject to such provisions in the case of violation of contract, and to such other particular provisions as the council may prescribe; the proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided, as in the case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city under any circumstances until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and so remain for the space of twenty-four hours, which, in the opinion of the street committee, will not cost to exceed the amount of five dollars in front of any lot, to repair the same, they shall be authorized, and it is hereby made their duty, to cause the same to be immediately repaired, and when the same is completed, they shall make out an itemized bill of the costs of such repair, specifying the lot and block, or piece or parcel of land, in front of which said work was done, duly verified by his oath, and shall give the same to the city clerk, and said clerk shall forthwith present the same to the owner of such lot, piece or parcel of land, if a resident of the city of Monroe, for payment; and if the owner of such lot, piece or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Monroe, the said committee shall return said account to the common council with their certificate stating that fact, and the council shall thereupon levy a special tax to pay the same in the manner in this section provided.

Let to responsible bidder.

SECTION 85. The common council of said city shall have power and may, in its discretion, by a vote of a majority of its members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter

or the making of improvement on or along any street or highway in said city limits which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which said sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the cost of constructing the same, without giving notice requiring the owners of such lot or lots or pieces of ground to construct the same.

Contract of grading.

SECTION 86. The common council of the city of Monroe shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading and paving and repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers in the manner hereinafter mentioned, and direct and control the persons employed thereon.

Costs and expenses of surveying.

SECTION 87. The costs and expenses of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to, and payable by the city; the cost and expense of opening, grading or graveling, planking, paving of streets and alleys, shall be chargeable to the lots of land, except farming lands, fronting on such street or alley, so that each lot or parcel of land, except farming lands, shall pay for work between the front of each lot or parcel of land, and to the center of such street or alley; provided, that the common council may order such cost and expense to be paid by the lots of land, except farming lands, fronting on such streets or alleys, by a pro rata tax, based upon the last assessment made prior to such order by the common council. Sewers and gutters may be ordered by the common council and built at the expense of lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed; provided, however, that when sewers or gutters are constructed through alleys no lot shall be assessed therefor, except those situated in the block through which such sewer or gutter may be constructed; and provided, further, that in all cases when improvements or work of any kind are chargeable by virtue of this section upon lots benefited, all such improvement across street, alleys and public grounds shall be made and paid for by the city in proportion to the width of the street, alley or public ground. Lots shall be liable as in this chapter provided, for the improvements of streets to the center of

the street on which they abut or join; and corner lots, for all sidewalks up to the crossings or crosswalks.

Public improvement, how determined.

SECTION 88. Whenever the common council shall determine to make any public improvement as authorized by this chapter, they shall cause to be made an estimate of the whole expense thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground aforesaid, and such estimate shall be filed in the office of the city clerk for the inspection of the parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part as aforesaid, all bids for doing the same to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as they shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city. The common council instead of letting such work by contract to the lowest bidder, may by an affirmative vote of two-thirds of the members of the common council, order the grading, repairing or improving of any street or the making of any public improvement to be done directly by and under the supervision of the street committee, at the uniform expense, in whole or in part of the lots or parcels of land abutting or fronting on such street or public improvement.

Shall be entitled to certificate.

SECTION 89. Whenever any work has been done under contract as provided in this act, and the work shall have been approved by the mayor, street committee and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate may be transferred by endorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with

the city clerk, and the common council shall order the same assessed upon the said lots of land respectively as a special tax, and to be collected therefrom for the benefit of the holder of said certificate as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate such assessment; provided, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsibe for or on account thereof, or for any proceedings for the collection of the pay therefor.

May appoint commissioners.

SECTION 90. The common council of said city may at any time, appoint three commissioners, resident freeholders of said city, who, with the assistance of a duly qualified surveyor to be appointed by the council, shall cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, lots, blocks and tracts of land, and shall cause to be established such permanent landmarks as they may deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the said surveyor and commissioners, which, when approved by the said council, shall be filed in the office of the clerk, and a copy thereof shall be recorded in the office of the register of deeds of the proper county.

MISCELLANEOUS PROVISIONS.

Lowest bidder.

SECTION 91. All work for the city or either ward, including all printing and publishing, may in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts.

No appropriations.

SECTION 92. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this act.

Penalties.

SECTION 93. No penalty or judgment recovered in favor of the city shall be remitted or discharged except by a two thirds vote of the aldermen elect.

Survey of streets, alleys, etc.

SECTION 94. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as they may

deem necessary, and to cause an accurate plat or plats thereof to be made and certified to by the surveyor which shall be filed in the office of the city clerk, and recorded in the office of the register of deeds of Green county.

Surveys to be prima facie evidence.

SECTION 95. The surveys and land marks so made and established shall be *prima facie* evidence of the lines and boundaries of all streets, alleys, public grounds wharves and blocks in all cases in which they shall be drawn into controversy in all courts in this state.

May establish grades of streets.

SECTION 96. The common council may, at such time as they may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, and should the grade so established be at any time thereafter altered, all damages, costs and charges therefor shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade; provided, however, that nothing in this section contained shall be so construed as to prevent the street committee of the several wards of the said city from ordering or causing to be done, the grading of any street within their ward to a temporary grade to be established by such committee.

May purchase and hold real estate.

SECTION 97. The city may have, purchase and hold real and personal estate, sufficient for the conveniences of the inhabitants thereof, and may sell and convey the same; and the same while owned, occupied or held by said city, shall be exempt from taxation.

Subject to taxation.

SECTION 98. Real estate exempt from taxation by the laws of this state shall be subject to special taxation for street and sidewalk purposes as other real estate under this act.

How city may convey real estate.

SECTION 99. When the city of Monroe deeds or leases any real estate or any interest therein owned by said city, the party of the first part shall be the city of Monroe, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Execute a deed or lease, how done.

SECTION 100. The mayor of said city is hereby authorized, when the common council shall by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed, order and direct him so to do, to execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city and

countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed and acknowledged as is provided for the execution of deeds and conveyances.

SECTION 101. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds, with said deed or lease, and such copy so attached and record thereof shall be in all courts of this state *prima facie* evidence of the authority of the mayor to make and execute such deed or lease. Cert fied copy.

SECTION 102. If any election by the people for common council shall for any cause not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be held at any subsequent day by order of the common council; and if any of the duties enjoined by this act or the ordinances or by-laws or regulations of said city, to be done by any officer at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done or performed. Failure of election.

SECTION 103. All moneys paid to the city on account of any or all licenses whatsoever, granted or issued by the common council of said city, including licenses for the sale of malt, spirituous or intoxicating liquors, shall be paid into the city treasury and become a part of the general fund of said city. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect. Money for licenses to go to general fund.

SECTION 104. The use of the jail of Green county, until otherwise provided, shall be granted to said city, for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the sheriff shall be responsible, as in other cases. Use of jail.

SECTION 105. The act entitled "an act to incorporate the village of Monroe, approved March 4, 1858," and all acts and parts of acts amendatory thereto are hereby repealed. And all moneys remaining in the treasury of said village of Monroe shall, upon the organization of said city of Monroe, be paid by the treasurer of said village into the treasury of said city Repealed, etc.

of Monroe, and become a part of the general fund of said city; provided further, that all the property owned by the village of Monroe is hereby made the property of the city of Monroe.

Public act.

SECTION 106. This act shall be considered as a public act, and shall be construed favorably in all courts and places, and shall take effect and be in force from and after its passage and publication. And it is hereby made the duty of the secretary of state to cause this act to be published in the official state paper immediately after its passage.

Approved March 25, 1882.

[No. 152, S.] [Published April 7, 1882.]

CHAPTER 239.

AN ACT relating to the measure of damages in actions to recover possession of logs, timber or lumber wrongfully cut from the lands of another, or the value thereof, and amendatory of section 4269, of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amend, etc.

SECTION 1. Section 4269 of the revised statutes of the year A. D. 1878, is hereby amended by adding thereto, at the end thereof the following; provided, that in all actions hereafter commenced, when the defendant shall have in good faith acquired a title to and entered upon the land under the same, believing such title to be valid and shall have cut the timber therefrom under such circumstances, then the plaintiff, if he shall recover, shall recover only the actual damage sustained by reason of such cutting. The defendant in his answer shall state the facts upon which he relies to establish such claim of title, and the burden of proof shall be on the defendant.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No 7, S.] [Published April 8, 1882.]

CHAPTER 240.

AN ACT to amend section 1 of chapter 42 of the general laws of 1881, and amendatory of section 1935, chapter 89 of the revised statutes of 1878, entitled "of insurance corporations."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insurance corporations.

SECTION 1. Section 1 of chapter 42 of the general laws of 1881 is hereby amended by adding the follow-

ing after the word "immediately" in the eighteenth line of said section: "Insert a notice in one or more newspapers printed in the county or counties where such corporation is doing business, stating therein the time when such assessment was levied, and the time when the same becomes due; such notice shall, in justice court or court of record, be conclusive evidence of notification to any member of such corporation of such assessment, and;" also amend said section further by adding after the word "letter" in the nineteenth line, the words "or postal card," so that said section when so amended shall read as follows: Section 1. Whenever the amount of any loss so ascertained shall exceed the amount of the cash funds of the corporation, the president shall convene the board of directors, who shall make an assessment upon all property insured by such corporation, in proportion to the amount thereof, and the rate under which it may have been classified, sufficient at least to pay such loss; provided, however, that such board of directors shall be authorized, if it sees fit to do so, to assess up to three and a half mills, even if such loss should not require such an amount, and when such assessment shall have been completed, the secretary shall immediately insert a notice in one or more newspapers printed in the county or counties where such corporation is doing business, stating therein the time when such assessment was levied, and the time when the same becomes due; such notice shall in justice court or court of record be conclusive evidence of notification of such assessment, and notify every member of such corporation, by letter or postal card sent to his usual post-office address, of the amount of such loss and the sum due from him as his share thereof, and the time when, and to whom payment thereof is to be made, which time shall not be less than sixty nor more than ninety days from the date of such notice; and the treasurer or person designated to receive such money may demand and receive two per cent. in addition to the amount of each such assessment, for his fees in receiving and paying over the same. Such assessment, when collected, shall be paid to the person entitled thereto, according to the terms of the policy issued to him; provided, that if any loss shall occur during the first eight months in any year, the board of directors, at the time of making the assessment therefor, may borrow money sufficient to pay such loss at a rate of interest not exceeding eight per cent., and shall therein include the interest in the

assessment, and direct payment of such assessment to be made not later than the thirty-first day of December, next following.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 206, S.] [Published April 10, 1882.]

CHAPTER 241.

AN ACT to amend the charter of the city of Beaver Dam.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 3 of title 8 of chapter 112, of the laws of 1878, entitled "an act to consolidate and amend the act to incorporate the city of Beaver Dam and the several acts amendatory thereof," is hereby amended by striking out the words "twenty-five thousand" where it occurs in said section and insert therein "thirty-five thousand" so that said section when so amended shall read as follows: Section 3. No debt shall be contracted against the city or order drawn upon the treasurer, unless the same shall be authorized by a majority of all the aldermen elect, and the vote authorizing the same, shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever except such as is expressly authorized by this act, and it shall not be allowed; neither shall it be legal in any manner whatever, nor at any time to contract a debt against the city (over and aside from the current expenses of the city government) for any and all purposes to exceed the sum of thirty-five thousand dollars, but no such debt shall be contracted except by a vote of two-thirds of the members elect.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 238, S.] [Published April 3, 1882.]

CHAPTER 242.

AN ACT to apportion the state into senate and assembly districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Senate districts.

SECTION 1. Until there shall be a new apportionment, the senators shall be apportioned among the

several districts of this state as hereinafter mentioned, and each district shall be entitled to elect one senator.

The counties of Door, Florence, Kewaunee, Langlade, Marinette and Oconto, shall constitute the first senate district.

The county of Brown shall constitute the second senate district.

The county of Racine shall constitute the third senate district.

The counties of Crawford and Vernon shall constitute the fourth senate district.

The first, sixth, ninth, tenth and thirteenth wards in the city of Milwaukee, and the towns of Granville, Milwaukee and Wauwatosa in the county of Milwaukee, shall constitute the fifth senate district.

The fifth, eighth, eleventh and twelfth wards in the city of Milwaukee, and the towns of Franklin, Greenfield, Lake and Oak Creek, in the county of Milwaukee, shall constitute the sixth senate district.

The second, third, fourth and seventh wards in the city of Milwaukee shall constitute the seventh senate district.

The counties of Kenosha and Walworth shall constitute the eighth senate district.

The counties of Green Lake, Portage and Waushara shall constitute the ninth senate district.

The county of Waukesha shall constitute the tenth senate district.

The counties of Ashland, Clark, Lincoln, Price, Taylor and Wood, shall constitute the eleventh senate district.

The counties of Green and La Fayette shall constitute the twelfth senate district.

The county of Dodge shall constitute the thirteenth senate district.

The counties of Juneau and Sauk shall constitute the fourteenth senate district.

The county of Manitowoc shall constitute the fifteenth senate district.

The county of Grant shall constitute the sixteenth senate district.

The county of Rock shall constitute the seventeenth senate district.

The towns of Alto, Byron, Eldorado, Empire, Fond du Lac, Friendship, Lamartine, Metomen, Oakfield, Ripon, Rosendale, Springvale, and Waupun, and the cities of Fond du Lac and Ripon, and the north ward of the city of Waupun, in the county of Fond du Lac, shall constitute the eighteenth senate district.

The county of Winnebago shall constitute the nineteenth senate district.

The county of Sheboygan and the towns of Ashford Auburn, Calumet, Eden, Forest, Marshfield, Osceola and Taycheedah in the county of Fond du Lac, shall constitute the twentieth senate district.

The counties of Marathon, Shawano and Waupaca shall constitute the twenty-first senate district.

The counties of Calumet and Outagamie shall constitute the twenty-second senate district.

The county of Jefferson shall constitute the twenty-third senate district.

The counties of Barron, Bayfield, Burnett, Douglas, Polk and St. Croix shall constitute the twenty-fourth senate district.

The counties of Eau Claire, Pepin, and Pierce shall constitute the twenty-fifth senate district.

The county of Dane shall constitute the twenty-sixth senate district.

The counties of Adams, Columbia and Marquette shall constitute the twenty-seventh senate district.

The counties of Iowa and Richland shall constitute the twenty-eighth senate district.

The counties of Buffalo and Trempealeau shall constitute the twenty-ninth senate district.

The counties of Dunn and Chippewa shall constitute the thirtieth senate district.

The county of La Crosse shall constitute the thirty-first senate district.

The counties of Monroe and Jackson shall constitute the thirty-second senate district

The counties of Ozaukee and Washington shall constitute the thirty-third senate district.

Assembly districts.

SECTION 2. Until there shall be a new apportionment, the members of the assembly shall be apportioned among the several districts of the state as hereinafter mentioned, and each district shall be entitled to elect one member of assembly:

The county of Clark shall constitute an assembly district.

The county of La Crosse shall constitute an assembly district.

The county of Eau Claire shall constitute an assembly district.

The county of Jackson shall constitute an assembly district.

The county of St. Croix shall constitute an assembly district.

The county of Buffalo shall constitute an assembly district.

The county of Pierce shall constitute an assembly district.

The county of Trempealeau shall constitute an assembly district.

The county of Pepin shall constitute an assembly district.

The towns of Angelo, Jefferson, La Fayette, Leon, Little Falls, New Lyme, Portland, Ridgeville, Sparta, and Wells, in the county of Monroe, shall constitute the first assembly district in said county.

The towns of Adrian, Byron, Clifton, Glendale, Greenfield, La Grange, Lincoln, Sheldon, Tomah, Wellington, Oakdale and Wilton, in the county of Monroe, shall constitute the second assembly district in said county.

The towns of Bergen, Coon, Christiana, Franklin, Genoa, Hamburg, Harmony, Jefferson, Sterling and Wheatland in the county of Vernon, shall constitute the first assembly district in said county.

The towns of Clinton, Forest, Greenwood, Hillsboro, Kickapoo, Liberty, Stark, Union, Viroqua, Webster and Whitestown, in the county of Vernon, shall constitute the second assembly district in said county.

The counties of Adams and Marquette shall constitute an assembly district.

The county of Wood shall constitute an assembly district.

The county of Dunn shall constitute an assembly district.

The county of Polk shall constitute an assembly district.

The counties of Barron, Bayfield, Burnett and Doug- shall constitute an assembly district.

The county of Chippewa shall constitute an assembly district.

The county of Portage shall constitute an assembly district.

The county of Marathon shall constitute an assembly district.

The counties of Marinette and Florence shall constitute an assembly district.

The county of Shawano shall constitute an assembly district.

The counties of Langlade and Oconto shall constitute an assembly district.

The counties of Ashland, Lincoln, Price and Taylor shall constitute an assembly district.

The county of Kenosha shall constitute an assembly district.

The city of Racine, in the county of Racine shall constitute the first assembly district in said county.

The towns of Burlington, Caledonia, Dover, Mount Pleasant, Norway, Rochester, Raymond, Waterford and Yorkville, in the county of Racine shall constitute the second assembly district in said county.

The towns of Avon, Beloit, Center, Newark, Magnolia, Plymouth, Spring Valley and Union, and the city of Beloit in the county of Rock, shall constitute the first assembly district in said county.

The towns of Janesville and Rock and the city of Janesville, in the county of Rock, shall constitute the second assembly district in said county.

The towns of Bradford, Clinton, Fulton, Harmony, Johnstown, La Prairie, Lima, Milton, Porter and Turtle, in the county of Rock, shall constitute the third assembly district in said county.

The county of Waukesha shall constitute an assembly district.

The towns of Darien, Delavan, La Grange, Richmond, Sharon, Sugar Creek, and Whitewater, excepting therefrom the village of Elkhorn, in the county of Walworth, shall constitute the first assembly district in said county.

The towns of Bloomfield, East Troy, Geneva, La Fayette, Linn, Lyons, Spring Prairie, Troy, and Walworth, and the village of Elkhorn, shall constitute the second assembly district in said county.

The first ward of the city of Milwaukee, in the county of Milwaukee, shall constitute the first assembly district in said county.

The second ward of the city of Milwaukee, in the county of Milwaukee, shall constitute the second assembly district in said county.

The third ward of the city of Milwaukee in the county of Milwaukee, shall constitute the third assembly district in said county.

The fourth ward of the city of Milwaukee, in the county of Milwaukee, shall constitute the fourth assembly district in said county.

The fifth and twelfth wards of the city of Milwaukee, in the county of Milwaukee, shall constitute the fifth assembly district in said county.

The sixth and thirteenth wards of the city of Milwaukee, in the county of Milwaukee, shall constitute the sixth assembly district in said county.

The seventh ward of the city of Milwaukee, in the

county of Milwaukee, shall constitute the seventh assemby district in said county.

The eighth and eleventh wards of the city of Milwaukee, in the county of Milwaukee, shall constitute the eighth assembly district in said county.

The ninth ward of the city of Milwaukee, in the county of Milwaukee, shall constitute the ninth assembly district in said county.

The tenth ward of the city of Milwaukee, in the county of Milwaukee, shall constitute the tenth assembly district in said county.

The towns of Granville, Milwaukee and Wauwatosa, in the county of Milwaukee, shall constitute the eleventh assembly district in said county.

The towns of Franklin, Greenfield, Lake and Oak Creek, in the county of Milwaukee, shall constitute the twelfth assembly district in said county.

The county of Ozaukee shall constitute an assembly district.

The towns of Erin, Germantown, Hartford, Jackson, Polk and Richfield, in the county of Washington, shall constitute the first assembly district in said county.

The towns of Addison, Barton, Farmington, Kewaskum, Trenton, Wayne and West Bend, in the county of Washington, shall constitute the second assembly district in said county.

The towns of Beaver Dam, Calamus, Elba, Portland, Shields, Westford and the city of Beaver Dam, in the county of Dodge, shall constitute the first assembly district in said county.

The towns of Burnett, Chester, Fox Lake, Oak Grove, Trenton and the south ward of the city of Waupun and the east ward of the village of Randolph, in the county of Dodge, shall constitute the second assembly district in said county.

The towns of Herman, Hubbard, Lomira, Leroy, Theresa and Williamstown, in the county of Dodge, shall constitute the third assembly district in said county.

The towns of Ashippun, Clyman, Emmet, Hustisford, Lebanon, Lowell and Rubicon, and the fifth and sixth wards of the city of Watertown, in the county of Dodge, shall constitute the fourth assembly district in said county.

The towns of Alto, Eldorado, Friendship, Lamartine, Mentomen, Ripon, Rosendale, Springvale and Waupun, the city of Ripon and the north ward of the

city of Waupun, in the county of Fond du Lac, shall constitute the first assemby district in said county.

The towns of Byron, Empire, Fond du Lac and Oakfield, and the city of Fond du Lac, in the county of Fond du Lac, shall constitute the second assembly district in said county.

The towns of Ashford, Auburn, Calumet, Eden, Forest, Marshfield, Osceola and Taycheedah, in the county of Fond du Lac, shall constitute the third assembly district in said county.

The towns of Herman, Mosel, Rhine, Russell, and Sheboygan, and the city of Sheboygan, in the county of Sheboygan, shall constitute the first assembly district in said county.

The towns of Greenbush, Lyndon, Mitchell, Sheboygan Falls, and Plymouth, and the city of Plymouth and village of Sheboygan Falls, in the county of Sheboygan, shall constitute the second assembly district in said county.

The towns of Holland, Lima, Scott, Sherman and Wilson, in the county of Sheboygan, shall constitute the third assembly district in said county.

The towns of Schleswig, Meeme, Eaton, Liberty, Rockland, Cato, Maple Grove and Franklin in the county of Manitowoc, shall constitute the first assembly district in said county.

The town of Two Rivers, Two creeks, Mishicott, Gibson, Cooperstown, and Kossuth, and the city of Two Rivers, in the county of Manitowoc, shall constitute the second assembly district in said county.

The towns of Centreville, Manitowoc, Manitowoc Rapids and Newton and the city of Manitowoc, in the county of Manitowoc, shall constitute the third assembly district in said county.

The county of Richland shall constitute an assembly district.

The county of Crawford shall constitute an assembly district.

The towns of Arena, Moscow, Mineral Point, Ridgeway and Walwick and the city of Mineral Point, in the county of Iowa, shall constitute the first assembly district in said county.

The towns of Clyde, Dodgeville, Eden, Highland, Linden, Mifflin, Pulaski and Wyoming, in the county of Iowa, shall constitute the second assembly district in said county.

The towns of Clifton, Ellenboro, Harrison, Hazel Green, Jamestown, Lima, Paris, Platteville and Smel-

ser, in the county of Grant, shall constisute the first assembly district in said county.

The towns of Beetown, Bloomington, Cassville, Glen Haven, Lancaster, Liberty, Little Grant, Potosi and Waterloo, in the county of Grant, shall constitute the second assembly district in said county.

The towns of Castle Rock, Boscobel, Fennimore, Hickory Grove, Marion, Millville, Mt. Hope, Mt. Ida, Muscoda, Patch Grove, Watterstown, Wingville, Woodman and Wyalusing, in the county of Grant, shall constitute the third assembly district in said county.

The towns of Allouez, Bellevue, Depere, Eaton, Humboldt, Preble, Green Bay, Scott and New Denmark and the city of Green Bay and village of East Depere in the county of Brown, shall constitute the first assembly district in said county.

The towns of Ashwaubenon, Glenmore, Holland, Howard, Lawrence, Pittsfield, Suamico, Morrison, Rockland and Wrightstown and the city of Fort Howard and the village of West Depere, in the county of Brown, shall constitute the second assembly district in said county.

The towns of Brillion, Brothertown, Charlestown, Chilton, New Holstein, Rantoul and Stockbridge and the city of Chilton in the county of Calumet shall constitute an assembly district.

The towns of Harrison and Woodville in the county of Calumet and the towns of Buchanan and Kaukauna and the third, fourth, fifth and sixth wards of the city of Appleton in the county of Outagamie shall constitute an assembly district.

The towns of Grand Chute, Center, Freedom and Osborn and the first and second wards of the city of Appleton in the county of Outagamie shall constitute an assembly district.

The towns of Black Creek, Bovina, Cicero, Dale, Deer Creek, Ellington, Greenville, Hortonia, Liberty, Maine, Maple Creek and Seymour, and the city of Seymour and the third ward of the city of New London in the county of Outagamie shall constitute an assembly district.

The county of Green Lake shall constitute an assembly district.

The county of Waushara shall constitute an assembly district.

The county of Door shall constitute an assembly district.

The county of Kewaunee shall constitute an assembly district.

The towns of Caledonia, Dayton, Farmington, Fremont, Lind, Royalton, Waupaca and Weyauwega, and the city of Waupaca and the village of Weyauwega in the county of Waupaca shall constitute the first assembly district in said county.

The towns of Bear Creek, Dupont, Helvetia, Iola, Larrabee, Lebanon, Little Wolf, Matteson, Mukwa, Scandinavia, St. Lawrence, and Union, and the first, second, fourth and fifth wards of the city of New London, in the county of Waupaca, shall constitute the second assembly district in said county.

The towns of Adams, Albany, Brooklyn, Exeter, Mount Pleasant, New Glarus, Washington and York, in the county of Green, shall constitute the first assembly district in said county.

The towns of Cadiz, Clarno, Decatur, Jefferson, Jordan, Monroe, Spring Grove and Sylvester, in the county of Green, shall constitute the second assembly district in said county.

The towns of Argyle, Blanchard, Darlington, Fayette, Gratiot, Wiota, Wayne and Willow Springs, in the county of La Fayette, shall constitute the first assembly district in said county.

The towns of Benton, Belmont, Elk Grove, Monticello, Kendall, New Diggins, Shullsburg, Seymour and White Oak Springs, in the county of La Fayette, shall constitute the second assembly district in said county.

The county of Juneau shall constitute an assembly district.

The towns of Bear Creek, Franklin, Honey Creek, Ironton, Merrimac, Prairie du Sac, Sumpter, Spring Green, Troy, Washington and Westfield, in the county of Sauk, shall constitute the first assembly district in said county.

The towns of Baraboo, Delton, Dellona, Excelsior, Fairfield, Freedom, Greenfield, La Valle, Reedsburg, Winfield and Woodland and the city of Baraboo, in the county of Sauk, shall constitute the second assembly district in said county.

The towns of Arlington, Caledonia, Dekorra, Fort Winnebago, Lewiston, Lodi, Marcellon, Newport, Pacific and West Point, and the city of Portage, in the county of Columbia, shall constitute the first assembly district in said county.

The towns of Columbus, Courtland, Fountain Prairie, Hampden, Leeds, Lowville, Otsego, Randolph, Scott, Springvale, Wyocena and the west ward of the village of Randolph, and the city of Columbus, in the

county of Columbia, shall constitute the second assembly district in said county.

The towns of Concord, Farmington, Ixonia, Milford, Waterloo, Watertown, and the village of Waterloo, and the first, second, third, fourth and seventh wards of the city of Watertown, in the county of Jefferson, shall constitute the first assembly district in said county.

The towns of Aztalan, Cold Spring, Hebron, Jefferson, Koshkonong, Lake Mills, Oakland, Palmyra, Sullivan and Sumner, in the county of Jefferson, shall constitute the second assembly district in said county.

The city of Madison in the county of Dane, shall constitute the first assembly district in said county.

The towns of Bristol, Burke, Cottage Grove, Deerfield, Medina, Sun Prairie, Vienna, Windsor and York, and the village of Sun Prairie, in the county of Dane, shall constitute the second assembly district in said county.

The towns of Albion, Blooming Grove, Christiana, Dunkirk, Dunn, Fitchburg, Madison, Pleasant Springs and Rutland and the village of Stoughton, in the county of Dane, shall constitute the third assembly district in said county.

The towns of Black Earth, Blue Mounds, Mazomanie, Montrose, Oregon, Perry, Primrose, Springdale, Vermont and Verona, in the county of Dane, shall constitute the fourth assembly district in said county.

The towns of Berry, Cross Plains, Dane, Middleton, Roxbury, Springfield and Westport, in the county of Dane, shall constitute the fifth assembly district in said county.

The town of Oshkosh, and the first, second, fourth, fifth and sixth wards of the city of Oshkosh, in the county of Winnebago, shall constitute the first assembly district in said county.

The towns of Neenah, Menasha, Clayton, Winchester, Winneconne and Vineland, and the cities of Neenah and Menasha, in the county of Winnebago, shall constitute the second assembly district in said county.

The towns of Algoma, Black Wolf, Nekimi, Nepeuskun, Poygan, Omro, Rushford, Utica and Wolf River, and the third ward of the city of Oshkosh, in the county of Winnebago, shall constitute the third assembly district in said county.

In case town or city be not included.

SECTION 3. In case any town, city or ward has not been attached to or included in any assembly district by its proper name or designation, or has been omit-

ted from any cause, in this act, such town shall be a a part of the assembly district in which the adjoining town having the largest population in the same senatorial district is situated, and such city or ward shall be part of the assembly district in which the adjoining town or ward having the largest population in the same senatorial district is situated. Every incorporated village, for the purposes of this act, shall be regarded as a part of the town or towns in which it is situated, unless specially mentioned in this act. If any county shall be omitted by this act, it shall be attached to and form a part of the assembly and senate districts adjoining, having the smallest population.

General election, 1882.

SECTION 4. At the general election in November, 1882, there shall be elected in the odd numbered senate districts above described a senator from each district, whose term of office shall expire in four years after the commencement of such term.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 145, S.] [Published April 11, 1882.]

CHAPTER 243.

AN ACT to appropriate to the Northern Wisconsin Agricultural and Mechanical Association a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the Northern Wisconsin Agricultural and Mechanical Association the sum of one thousand dollars, out of any money in the general fund not otherwise appropriated; provided, that their next annual exhibition shall not be held at the same time of the next annual exhibition of the State Agricultural Society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 241, S.] [Published April 11, 1882.]

CHAPTER 244.

AN ACT to apportion the state into congressional districts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Congressional districts.

SECTION 1. Until otherwise provided by law, the state of Wisconsin shall be divided into nine congres-

sional districts, each of which shall be entitled to elect one representative in the congress of the United States, and the territory comprising each district shall be as follows:

The counties of Jefferson, Kenosha, Racine, Rock and Walworth shall constitute the first congressional district.

The counties of Dodge, Fond du Lac, Washington and Waukesha shall constitute the second congressional district.

The counties of Dane, Grant, Green, Iowa and La Fayette shall constitute the third congressional district.

The county of Milwaukee shall constitute the fourth congressional district.

The counties of Brown, Calumet, Kewaunee, Manitowoc, Ozaukee and Sheboygan shall constitute the fifth congressional district.

The counties of Adams, Columbia, Green Lake, Marquette, Outagamie, Waushara and Winnebago shall constitute the sixth congressional district.

The counties of Crawford, Juneau, La Crosse, Richland, Sauk, Vernon and Monroe shall constitute the seventh congressional district.

The counties of Bayfield, Barron, Buffalo, Burnett, Clark, Douglas, Dunn, Eau Claire, Jackson, Pepin, Pierce, Polk, St. Croix and Trempealeau shall constitute the eighth congressional district.

The counties of Ashland, Chippewa, Door, Florence, Langlade, Lincoln, Marathon, Marinette, Oconto, Price, Portage, Shawano, Taylor, Waupaca and Wood shall constitute the ninth congressional district.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 153, S.] [Published April 13, 1882.]

CHAPTER 245.

AN ACT to authorize the city of Milwaukee to issue bonds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee are hereby authorized to provide by ordinance for the issue of the corporate bonds of said city, and to issue such corporate bonds, to the amount of not to exceed one hundred thousand dollars, payable

Issue bonds.

in not less than twenty nor more than thirty years, and bearing interest not exceeding the rate of four per cent. per annum, which bonds shall be called bridge bonds, and shall be used exclusively to provide means for the construction of new bridges where the same are or may be needed, in place of old bridges in said city that shall have become dilapidated and unsafe for the public use, provided that such bonds may be issued and used so far as shall be deemed necessary for the construction of bridges now in process of construction in said city.

How signed.

SECTION 2. The bonds hereby authorized to be issued shall be signed by the mayor and clerk of the said city, and sealed with the corporate seal of the said city, countersigned by the comptroller of the said city and attested by the commissioners of the public debt of the said city; and shall, in terms be made payable in lawful money of the United States, in the city of Milwaukee, or in the city of New York, and such bonds shall each be for the principal sum of one thousand dollars, or five hundred dollars, or one hundred dollars, "or registered bonds to the amount of ten thousand dollars each," and shall have coupons or interest warrants attached thereto for the semi-annual payment of the interest thereon.

To whom delivered.

SECTION 3. All bonds to be issued under the provisions of this act shall be delivered to the commissioners of the public debt, appointed under chapter 87 of the general laws of 1861, and the office of commissioners of public debt shall continue, and such commissioners shall be appointed from time to time, in pursuance of the provisions of that act, while any of the bonds issued under this act, or under that act, shall remain outstanding, and all the provisions of sections, 2, 6, 7, 8, 9, 10, 11 and 17, of that act, so far as the same may be applicable and not inconsistent with this act, shall apply to all bonds to be issued under this act, and are hereby incorporated into this act as a part thereof, it being the true intent and meaning of this act to provide for the bonds hereby authorized in the same manner as the bonds authorized by that act are provided for in these sections thereof last mentioned.

Bridge bonds.

SECTION 4. The bridge bonds, provided for in the first section of this act, shall be executed and issued from time to time, at such times and in such amounts as may be determined by the common council of the city of Milwaukee, and shall be sold and disposed of

by the commissioners of the public debt, and the proceeds thereof paid from time to time into the treasury of said city; and said proceeds shall constitute a separate and distinct fund in the treasury, and paid out and applied exclusively for the purposes stated in the first section of this act.

SECTION 5. A tax upon all the taxable property, real and personal, in said city, shall be annually levied by the common council, sufficient to pay the annual interest on all bonds issued under the provisions of this act and outstanding, and for twenty years before the principal of the bonds hereby authorized shall become due, a tax to provide a sinking fund and equal to five per cent. of the principal of the bonds actually issued, shall be annually levied by the common council for a sinking fund, to pay the principal of such bonds. Tax for same.

SECTION 6. As soon as a sinking fund shall be actually collected for the said bonds, the commissioners of the public debt shall proceed annually in the cancellation of the bonds, in the manner provided for by sections 10 and 11 of chapter 87 of the general laws of 1861, in regard to bonds issued under that act. Sinking fund.

SECTION 7. The commissioners of the public debt shall, from time to time, or when requested by the common council, report to the common council of the said city, the sale or other disposition of all bonds authorized by this act.

SECTION 8. All bonds paid or otherwise retired shall be forthwith marked canceled by the commissioners of the public debt, and by them returned to the common council of the said city, who shall forthwith publicly cancel the same. Canceled.

SECTION 9. The commissioners of the public debt are hereby prohibited from selling or otherwise disposing of any of the bonds authorized by this act to be issued, at a less rate than par, that is to say, for less than the principal of such bonds with accrued interest.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 447, A.] [Published April 7, 1882.

CHAPTER 246.

AN ACT to amend section 892 of chapter 40 of the revised statutes, entitled of villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Paragraph 11 of section 892 of chapter 40 of the revised statutes, entitled of villages, is hereby amended by adding at the end of said paragraph the following: "And to improve, grade, repair and build roads and sidewalks, which may be required to connect the village with any railway depot or river landing situated outside of the limits of the incorporated village and used by the inhabitants thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 123, A.] [Published April 7, 1882.]

CHAPTER 247.

AN ACT to authorize Edward D. Brown, Thomas W. Anderson, Anderson W. Brown and Webster E. Brown, their heirs and assigns, to build and maintain a dam, piers and boom in and across the Wisconsin river, in Lincoln county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May maintain a dam.

SECTION 1. Edward D. Brown, Thomas W. Anderson, Anderson W. Brown and Webster E. Brown, their heirs and assigns, are hereby authorized and empowered to build, erect, keep up and maintain a dam not exceeding six feet in height, to be used for manufacturing and boomage purposes, across the Wisconsin river on the north half of section six, and not more than one hundred feet from the location of the present dam in such section, township number thirty-six (36) north of range number nine (9) east, in the county of Lincoln; provided, that said dam shall not raise the water in said river at the mouth of the lake on the southwest quarter of section number thirty-one (31), in township number thirty-seven (37), north of range number nine (9) east, to exceed two feet; and provided further, that said dam shall be furnished with a slide or chute, in accordance with the provisions of chapter 239 of the laws of this state for the year 1881, except that the width of such slide or chute shall be thirty feet, and shall be placed in the main channel of the river, and

so located as to allow logs passing over it to freely pass down the river away from said slide.

SECTION 2. Said Edward D. Brown, Thomas W. Anderson, Anderson W. Brown and Webster E. Brown, their heirs and assigns, are further authorized and empowered to build, erect, keep up and maintain in connection with said dam, a system of piers and boom in and along and across said river on sections six (6) and thirty-one (31) aforesaid, on and opposite lands owned by them, for the purpose of dividing booming, holding, sorting and handling logs, timber and lumber; provided, that said piers and booms shall be so constructed and maintained as to not materially obstruct the navigation of said river and there shall at all times be kept and maintained a free passage of at least eighty (80) feet in width for logs, timber and lumber through and along said booms; and all such logs, timber and lumber as are not to be retained therein, shall with reasonable diligence be passed through said booms into the river below the same, and driven over the rapids at the sole cost and expense of the grantees; provided, that any subsequent legislature may alter, amend or repeal this act. Piers and booms.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 73, A.] [Published April 7, 1882.]

CHAPTER 248.

AN ACT to repeal chapter 248, laws of 1881, entitled an act to provide for locating, establishing, opening and maintaining a state road from a certain point in Wood county to a certain point in Portage county Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 248, laws of 1881, relating to the laying out and establishing a state road in the counties of Portage and Wood, is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 21, A.] [Published April 8, 1882.]

CHAPTER 249.

AN ACT relating to the "American Legion of Honor," and amendatory of section 1 of chapter 204 of the laws of 1879, as amended by chapter 246 of the laws of 1881.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

American Legion of Honor.

SECTION 1. Section 1 of chapter 204 of the general laws of 1879, as amended by chapter 246 of the general laws of 1881, is hereby amended by inserting after the words "The Northwestern Mutual Relief Association," in the thirty-third line of said chapter, the words "American Legion of Honor," "The Catholic Knights of America," so that said section, when so amended, will read as follows: Section 1. The secret, beneficiary, charitable and benevolent orders of Free Masons, Odd Fellows, Knights of Pythias, Knights of Honor, the Ancient Order of United Workmen, Royal Arcanum, Independendent Order Mutual Aid, Sons of Herman, Druids, Harugari, Independent Order of B'nai Brith, Kecher Shel Barzel, Free Sons of Israel, Diamond Brothers, Independent Order of Red Men, Temple of Honor, Good Templars, Sons of Temperance, Patrons of Husbandry, Expressmen's Mutual Benefit Association, Telegraphers' Mutual Benefit Association, The Locomotive Engineers' Mutual Insurance, The Railway Employes' Mutual Benefit Association of the West, Passenger and Freight Conductors' Mutual Benefit Association, Brewers' Relief Society, Milwaukee Mutual Workingmen's Relief Society, Eintrachts Society, Vorwartz Society, Concordia Society, Knights and Ladies of Honor, Heldmann's Independent Relief Society, Masonic Benefit Association of Wisconsin, Clergymen's Insurance League, The Preachers' Mutual Aid Society of the Wisconsin Annual Conference of the Methodist Episcopal Church, the Northwestern Mutual Relief Association, American Legion of Honor, The Catholic Knights of America, and the Mutual Protection Association of Wisconsin are hereby declared not to be life insurance companies in the sense and meaning of the general laws of the state relating to life insurance companies, and no other orders, societies or associations, are hereby declared to be exempt from the provisions of the general insurance laws of this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 140, A.] [Published April 14, 1882.]

CHAPTER 250.

AN ACT to amend section 1210d, of chapter 50, of the revised statutes, relating to lands sold for taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1210d, of chapter 50 of the revised statutes, is hereby amended so as to read as follows: Section 1210d. "Every action or proceeding for the recovery of lands heretofore sold, or which may hereafter be sold for the nonpayment of taxes heretofore levied, shall be commenced within nine months after the recording of the tax deed, and not thereafter; provided, that in the case of tax deeds issued prior to the 25th day of March, 1878, the action, if not then barred, must be brought within nine months from that day and not thereafter;" and provided further, that if such action has heretofore been or shall hereafter be commenced within the time limited for the commencement thereof for such purpose, or for setting aside the tax on which such deed was issued, or for setting aside such tax deed; and such action has heretofore been or shall hereafter be dismissed for any error in the proceedings, or because of any mistake made in stating the cause of action or because the action was for ejectment when the plaintiff was in possession, then a proper action may be commenced within one year after the service of the final order of dismissal. In all suits which have heretofore been or shall be hereafter be brought by the grantee in such deed tax or his assigns against the owner for the recovery of lands described in such deed, or for the recovery of the possession thereof, prior to the time herein limited for the final commencement of a proper suit by such owner, then and in such case, any defects in the tax proceedings upon which such tax deed is issued, arising subsequent to the issuing of the tax certificate upon which such deed was issued, and any defects in such deed and in issuing the same, and any other facts material to the case may be set forth by supplemental answer to any such suit heretofore commenced, or by answer to any such suit hereafter commenced; and leave to serve and file such supplemental answer shall be allowed by the court, on application, without costs, and the issue raised by such answers shall be as available, and such action tried thereon, as though such action was commenced and

Lands sold for taxes.

such answer served within nine months after the recording of such tax deed.

SECTION 2. This act shall apply to all actions now pending, and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 235, A.] [Published April 7, 1882.]

CHAPTER 251.

AN ACT to amend chapter 250 of the laws of 1874, entitled an act to provide for the improvement of certain parts of the west branch of the Wolf river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Improvement of west branch of Wolf river.

SECTION 1. Section 1 of chapter 250 of the laws of 1874, shall be amended so as to read as follows: Frederick Davis, Lyman Barnes, Daniel L. Libbey, J. M. Bray, R. McMillen, Myron H. McCord, and Leander Choate, their associates, successors and assigns shall be entitled and are hereby authorized to improve the west branch of the Wolf river in the state of Wisconsin, from the north line of town twenty-eight (28) north, of range fourteen (14) east, to the north line of town thirty (30) north, of range thirteen (13) east, or any portion thereof, by cleaning or straightening the channel thereof, closing sloughs, erecting side, rolling and flooding dams or otherwise, and to keep and repair and to operate any dams now on said river which have been heretofore built, operated or maintained under and by virtue of said chapter 250 of the laws of 1874, or by the grantees named in this act, and to keep in repair and operate the same; and are hereby authorized and entitled to have, receive and collect for the use and enjoyment of such improvements a toll of twenty-five cents per thousand feet, board measure, for all logs, timber and lumber passing through, enjoying or using said improvements; provided, however, that said works and improvements shall be so operated and maintained as to render the floating and driving of logs down and out of that part of said river, practicable and reasonably certain; and provided further, that when any part of such river is so improved, so that logs and timber can be run out of the same, the party so improving the same shall be entitled to receive such tolls from any party enjoying the same in running out logs or timber, and it shall be lawful for the party making such im-

provements, their successors or assigns to take possession of all logs or timber put into said stream, to be floated down and out of the same, the owner or agents of which shall not have made adequate provisions for driving, by furnishing all necessary tools, men, teams, equipments and provisions for breaking roll ways at the proper time and in making in due time a thorough drive of such logs or timber out of such stream or river without hindering the main drives, and to drive the same down and out of said stream so improved, and for such services, expenses and outlays, shall charge and receive for the same the actual costs incurred thereon and therefor.

SECTION 2. This act is intended to be confirmatory of chapter 250 of the laws of 1874, and to confirm, ratify and vest in Frederick Davis, Lyman Barns, Daniel L. Libbey, J. M. Bray, R. McMillen, Myron H. McCord and Leander Choate, all rights, privileges and franchises acquired by them, their assignors or associates under and by virtue of said chapter 250 of the laws of 1874, reserving to the legislature the right to repeal or alter the provisions of this act, whenever in its judgment the public interest shall so demand. Confirmatory.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 243, A.] [Published March 31, 1882.]

CHAPTER 252.

AN ACT to authorize the construction of additions to the state capitol for the use of the Supreme Court and the State Historical Society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor, secretary of state, state treasurer and attorney general, together with such member of the State Historical Society as its executive committee shall select, and two persons to be selected by the judges of the Supreme court are hereby constituted a board of commissioners for the construction of two transverse wings to the state capitol building, one on the north and the other on the south side thereof. All above the first or principal floor of one of said wings shall be for the use of the State Historical Society, and of sufficient capacity for its present and future collections; and all above the first or principal floor of the other of said wings shall be set apart for Building transverse wings of capitol.

the use of the Supreme Court and state library; provided, that said wings or extensions, when completed, shall be and remain under the control and supervision of the authorities, as now provided by law for the care, control and supervision of the state capitol.

How warmed.

SECTION 2. Said wings or buildings shall be warmed by means of the present heating arrangement used for heating the state capitol, and shall be made as thoroughly fire proof as practicable.

Building committee.

SECTION 3. Said board of commissioners shall procure suitable and proper plans, drawings and specifications for the construction of the buildings authorized by this act; and after the adoption of the same they shall advertise for twenty days in one newspaper published at Madison, one in Milwaukee and in one published in each of three other prominent cities in this state, for sealed proposals for the erection of said buildings hereby authorized, and the contract shall be let to the best responsible bidder or bidders for a sum of money not to exceed the balance of the amount herein appropriated for this purpose (after deducting a sufficient sum to pay for plans and specifications, superintending the work and all incidental expenses), and the successful bidder or bidders to whom the contract shall be awarded shall enter into an agreement or contract with said commissioners and give such security as shall be required by the commissioners to complete said buildings according to the plans and specifications, on or before the first day of January, A. D. 1884.

May employ architect.

SECTION 4. The commissioners are hereby authorized to employ an architect or superintendent to superintend the work on said building as it progresses, who shall receive such compensation for his services as the commissioners may determine.

Shall make estimates.

SECTION 5. The architect or building superintendent shall, at the close of each month, make out estimates in detail of all materials furnished and labor performed during said month, duly certified to the board of commissioners, who, after having examined, approved and recorded the same in their record of proceedings, and after deducting fifteen per cent. of the total amount, to be retained until the completion of the contract, shall certify to the correctness of the same to the secretary of state, who shall thereupon draw his warrant on the state treasurer for payment out of the appropriation herein made. Upon the final completion of the contract to the satisfaction of said board of commissioners the said board shall in like manner certify

to the total amount due, including the retained percentage aforesaid.

SECTION 6. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred thousand dollars, to be drawn under the provisions of this act during the year 1882, and the further sum of one hundred thousand dollars to be drawn as aforesaid during the year 1883, and as such work shall progress to completion, or so much thereof as may be necessary for the purposes of this act. Appropriation.

SECTION 7. This act shall take effect and be in force from and after passage and publication.

Approved March 28, 1882.

[No. 305, A.] [Published April 14, 1882.]

CHAPTER 253.

AN ACT in relation to the discontinuance of certain highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any highway in this state which shall have been or may hereafter be entirely abandoned as a route of travel, and on which no highway tax has been expended for five years, shall be considered legally discontinued, and the land of said highway shall revert to the owners of the land through which the same passed. Discontinuance of certain highways.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 499, A.] [Published April 10, 1882.]

CHAPTER 254.

AN ACT to amend section 1195 of the revised statutes of 1878, in relation to lands sold for the non-payment of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1195 of the revised statutes of 1878 is hereby amended by adding to the end of said section the following words; provided, however, that no certificates shall be sold by the county treasurer, in cases where warrants have issued, unless the party applying to purchase the same shall pay all costs and Relating to non-payment of taxes.

charges incurred in the issuing and execution of said warrant.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1882.

[No. 151, S.] [Published April 14, 1882.]

CHAPTER 255.

AN ACT providing for restoring to market certain lands mentioned in chapter 316 of the laws of 1880.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Restoring to market certain lands.

SECTION 1. The commissioners of public lands are authorized to bring into market and sell the lands belonging to the state mentioned and described in chapter 316 of the laws of 1880, subject to the right of the state or the United States to overflow, use, occupy, or control, in the construction and maintenance of the dams, reservoirs and other improvements mentioned in said act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 146, S.] [Published April 13, 1882.]

CHAPTER 256.

AN ACT ceding to the United States the right to overflow certain lands of the state, and relinquishing the claim of the state to damages occasioned thereby.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Right to overflow lands.

SECTION 1. That whereas it is proposed by the United States to improve the navigation of the Mississippi river, by the construction of dams and the creation of reservoirs upon the headwaters of said river and its tributaries, causing possible overflow and damage to the lands bordering upon such reservoirs; therefore, in consideration of such improvements, there is hereby ceded to the United States the right to overflow, so far as necessary in the construction of any such dams and reservoirs, and any and all lands owned or held by the state, as described in the report of Charles J. Allen, captain of engineers to brigadier-general H. G. Wright, chief of engineers of the United States army, and bearing date December 12, 1879, which, ac-

cording to said report, may be necessary to overflow, and that all right or claim of the state for damages occasioned by any such overflow, whether against the United States or any agent or employee thereof be, and the same is hereby fully released and satisfied.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1882.

[No. 177, S.] [Published April 14, 1882.]

CHAPTER 257.

AN ACT to amend section 655, chapter 35, revised statutes, relating to change of county seats.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 655 of chapter 35 of the revised statutes is hereby amended as follows: In the twenty-fifth and twenty-sixth lines of said section strike out the words, "but a majority of such votes shall be against such removal, then," and insert in place thereof the word "and," so that said section as amended will read as follows: Section 655. Whenever two-fifths of the legal voters of any county, to be determined by the poll lists of the last previous general election held in such county, the names of which voters shall each appear on some one of the poll lists of said election, shall present to the board of supervisors a petition signed by them asking a change of the county seat to some other place, such place to be designated in such petition, it shall be the duty of such board to submit the question of removal of the county seat to a vote of the qualified voters of the county in the manner herein provided. Such election shall be held only on the day of the general election for state and county officers, and shall be conducted and the votes canvassed, certified and recorded in the same manner as other votes at such election, and none but citizens entitled to vote at such general election shall be entitled to vote on the question of the change of county seat. At such election those voting for the change of the county seat shall deposit a ballot in a separate box to be provided for the change of the county seat, and those voting against such change shall deposit a ballot against the change of county seat. If a majority of all the votes cast at such election on that subject shall be in favor of the proposed change, it shall be the duty of the chairman of the board of super-

In relation to change of county seats.

visors to certify the same, with the attestation of the county clerk, to the governor, who thereupon shall issue his proclamation to that effect, and cause the same to be published in the official state paper, and from the date of such publication the place so designated shall be the county seat of such county, and it shall not be lawful for the board of supervisors to again submit the question of removal at any time within five years. Four weeks' previous notice of such election shall be given by the county clerk by publishing the same once a week for four weeks in all the newspapers published in such county, or if there be no newspaper published in such county, then a written or printed notice shall be posted in two conspicuous places in each town in the county at least four weeks previous to such election; provided, that this act shall not prohibit the submission to vote or a removal of a county seat in cases where the county board has prior to the passage of this act ordered that the question of removal shall be submitted to vote, at the next general election.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 228, S.] [Published April 10, 1882.]

CHAPTER 258.

AN ACT relating to the assessment of personal property for taxation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessment of personal property.

SECTION 1. All saw logs, timber, railroad ties or telegraph poles cut in this state, owned by any person or corporation not residing in this state and having no agent in this state, shall be assessed in the assessment district where the same shall be banked or piled for shipment either by water or railroad.

Saw logs, timber, etc.

SECTION 2. It shall be the duty of the assessor of the assessment district in which saw logs, timber, railroad ties or telegraph poles owned by non-residents as aforesaid may be located, to ascertain at any time during the month of April in each year, the amount of such property in his assessment district, by actual view, as far as practicable, to fix the value of said property and assess the same to the said owners as other personal property is valued and assessed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 118, A.] [Published April 10, 1882.]

CHAPTER 259.

AN ACT to repeal chapter 107, of the laws of 1881, entitled an act to facilitate elections in certain cases and to revive and re-enact section 27 of chapter 5 of the revised statutes entitled of electors and general elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 107 of the laws of 1881, entitled an act to facilitate elections in certain cases is hereby repealed, and section 27 of chapter 5 of the revised statutes entitled of electors and general elections is hereby revived and re-enacted. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 28, 1882.

[No. 326, A.] [Published April 13, 1882.]

CHAPTER 260.

AN ACT for the improvement of Brunett river for log driving purposes, and to repeal chapter 281 of the laws of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of improving that branch of the Chippewa river, known as Brunett river, so that as to facilitate the driving of logs down and out of the same, it is hereby provided and enacted that E. W. Culver and his assigns are hereby authorized to improve said Brunett river, by erecting dams, shutting up side chutes, removing rocks, timber or other obstructions, concentrating the water in one channel, and by any other means which to him or them shall seem most likely to make the driving of logs down or out of said Brunett river cheaper or more expeditious by reason of any such improvements made or purchased by him or them. Improvement of Brunett river.

SECTION 2. When said E. W. Culver or his heirs or assigns shall have made such improvements in said stream as to make the driving of logs down or out of it reasonably practicable and certain in an average rate of water, or when the driving of the same shall have been materially benefited by reason of improvements made or purchased by him or them, he or they shall have the right to charge and collect as tolls for every thousand feet, board measure, of logs, timber, or other material floated or driven down or out of said May charge tolls.

Brunett river the sum of twenty-five (25) cents for any such timber or lumber put into said stream below the north line of township thirty eight (38) north of range number five (5) west of the fourth (4th.) principal meridian; and the sum of forty (40) cents for all such logs, timber or lumber, as may be put into said stream above the said north line of town thirty-eight (38) as aforesaid, and such tolls as are reasonable and just for such improvements as shall be made, or shall have been made from time to time before the whole system of improvements are completed.

Lien on logs.

SECTION 3. For all such tolls or charges the said E. W. Culver, his heirs or assigns, shall have a lien on such logs or timber which may be enforced the same as mechanics' liens are enforced, and may be enforced against the said lumber or timber or logs wherever the same may be found.

SECTION 4. Chapter 281 of the laws of 1878 is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication; provided, that the state reserves the right to alter or repeal the same.

Approved March 29, 1882.

[No. 296, A.] [Published April 13, 1882.]

CHAPTER 261.

AN ACT to amend chapter 332 of the laws of 1878, entitled an act to protect laborers and material men in the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Protection of laborers and material men.

SECTION 1. Section 1 of chapter 332 of the laws of 1878 is hereby so amended as to read as follows: Section 1. Any person, corporation or party that shall hereafter furnish supplies or materials for the use of the contractor or contractors or of his or their assigns, in the performance of any contract made with the board of public works of the city of Milwaukee, in the name of said city, or that shall do any labor for such contractor or contractors or for his or their assigns in the performance of any such contracts, shall have a lien for the amount due and unpaid by such contractor or contractors or by his or their assigns, to the person, corporation or party furnishing such supplies or materials or doing such labor in the performance of such contract, upon any certificates of said board and upon any city

orders of said city, to be issued and delivered to such contractor or contractors, or to his or their assigns under such contract; provided, that any person, corporation or party claiming a lien shall, within twenty days after the date of the last charge for such supplies or materials furnished or labor done, file in the office of the city clerk of said city and in the office of the board of public works of said city notices in writing of such claim (one notice in each office), which notice shall set forth the nature and particulars of the demand, the date and amount of each charge therefore, the name of the person or party indebted, and the amount that is justly due and owing to the claimant from the contractor or contractors or from his or their assigns for supplies or materials furnished or labor done in performance of a contract stating the general nature of the contract and its date, each of which notices shall be verified by the affidavit of the claimant; and provided, further, that within twenty days after the filing of such notice the claimant shall begin an action against the person or party named in such notice for the recovery of the amount of such claim, and for the enforcement of such lien in some court in Milwaukee county having jurisdiction of the matter, in which action the city of Milwaukee shall be made a party defendant and shall be served with process and may appear and defend as in other actions, but said city shall in no case be liable to any judgment for costs or charges in such action. In case of the filing of the notices as herein directed, claiming lien on any certificates or city orders or both, it shall be the duty of the respective officers having charge and custody of the same to retain them twenty days, and in case an action is begun within that time as herein provided, then to retain the same until the determination of such action in the court.

In relation to work done by contract.

SECTION 2. Section 2 of said chapter 332 is hereby so amended as to read as follows: Section 2. No contractor under any such contract as is mentioned in the preceding section, and no assignee of any such contractor shall receive, either in certificates of the board of public works or in city orders, any amount exceeding seventy-five per centum of the amount named and provided in the contract until after the expiration of twenty days from the completion of the work contracted for, or other termination of the contract; and if any person, corporation or party shall file notices of claim of lien, as provided in the preceding section,

against such contractor or contractors, or his or their assigns, all certificates and all city orders not then delivered shall be held and retained by the respective officers in whose charge or custody they are, until twenty days after the filing of such notices, and if within such last period of twenty days an action shall be brought as provided in the proceeding section, such certificates and such city orders shall be retained until the determination of such action in court.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 99, A.] [Published April 14, 1882.]

CHAPTER 262.

AN ACT relating to the publication of legal notices.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Binding briefs.

SECTION 1. The state librarian is hereby authorized, under the direction of the justices of the supreme court, to take from the files in the office of the clerk of said court such copies of the printed briefs and cases of causes determined in said court as said justices may direct, and have the same bound in ordinary substantial binding. Such printed briefs and cases, when so bound, to be kept in the office of the clerk of said court or in the state library, as the justices of said court may direct.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 294, A.] [Published, April 13, 1882.]

CHAPTER 263.

AN ACT to amend chapter 84 of the private and local laws of 1864 entitled "an act to incorporate the Black River Improvement Company," approved July 23, 1864, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Charter continued in force.

SECTION 1. Chapter 84 of the private and local laws of the year 1864, entitled "an act to incorporate the Black River Improvement Company," approved Feb. 23, 1864, and the several acts amendatory thereof,

and all the rights, powers, privileges and duties of the Black River Improvement Company, organized and existing under said acts, are hereby continued in full force and effect for the full term of twenty-five years from and after March 1, 1889; and said corporation is hereby authorized at any time hereafter to enter upon, take and use and acquire according to the provisions of said acts, on making compensation therefor, any lands along the shores of Black river that may be necessary to maintain and improve the navigation of said river; and said company shall have the right to increase the capital stock to not exceeding one hundred thousand dollars in all, by an affirmative vote of two-thirds of its board of directors; the stock for such increase to be issued in shares of fifty dollars each, and to be disposed of as said board of directors shall determine.

SECTION 2. This act shall take effect and be in force from and after its passage and publication. All acts or parts of acts conflicting with or controvening the provisions of this act are hereby repealed.

Approved March 29, 1882.

[No. 135, S.] [Published April 10, 1882.]

CHAPTER 264.

AN ACT to legalize the acts of J. R. McDonald, a justice of the peace of the city of Ahnapee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. J. R. McDonald, a justice of the peace of the city of Ahnapee, in the county of Kewaunee, is hereby authorized to sign his official oath now on file in the office of the clerk of the circuit court of said county at any time within thirty days after the passage of this act, and that said J. R. McDonald shall continue to hold said office and exercise the powers and duties of a justice of the peace during the time for which he was elected, and his official acts are hereby declared to be as valid in all respects as though the said J. R. McDonald had signed his official oath at the time he took the same and before filing it in the office of the clerk of the circuit court. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1882.

[No. 229, A.] [Published April 8, 1882.]

CHAPTER 265.

AN ACT to amend section 2172 of chapter 98 of the revised statutes, entitled "estates in dower and by the curtesy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Estates in dower and by the courtesy.

SECTION 1. Section 2172 of the revised statutes is hereby amended by inserting after the word homestead in the ninth line thereof, the words, "as if he had died intestate, leaving lawful issue," so that said section when so amended shall read as follows: Section 2172. When a widow shall be entitled to an election under either of the last two preceding sections, she shall be deemed to have elected to take such jointure, devise or other provision, unless within one year after the death of her husband, she file in the court having jurisdiction of the settlement of his estate, notice in writing that she elects to take the provisions made for her by law, instead of such jointure, devise or other provision; and upon filing such notice she shall be entitled to the same dower in his lands, and the same right to the homestead as if he had died intestate leaving lawful issue, and the same share of his personal estate as if he had died intestate; provided, that when he shall have died testate, the share of personal estate which she may so take, shall not exceed the one-third part of his net personal estate, and the provisions of this and the two next preceding sections shall not apply to any case where the husband shall die intestate, leaving no issue.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 472, A.] [Published April 5, 1882.]

CHAPTER 266.

AN ACT in relation to railroads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to railroads.

SECTION 1. Section 1858 of chapter 87 of the revised statutes entitled "of railroads," is hereby amended so as to read as follows: Section 1858. Any railroad corporation upon which any lands granted to this state shall have been conferred to aid in the construction of any railroad may sell, assign, and transfer the

lands so conferred upon it, or any portion thereof, to any other railroad corporation which shall by law have the right to construct a railroad along and upon the line or any portion of the line upon which such lands are applicable under the grant of this state, upon such terms and conditions as it shall fix; provided, that the corporation receiving such lands shall be bound to construct the part of the line of railroad to aid in the construction of which the lands were granted to this state, to which the assigned lands are applicable according to the terms of the grant by congress, and to comply fully with all conditions and requirements contained in the act in and by which the state conferred said lands upon said corporation. The terms and conditions of every such transfer shall be embodied in an agreement in writing, which shall be recorded in the office of the secretary of state; and provided further, that no such transfer or assignment shall be of any force or effect until two thirds of the full paid stockholders of the corporation making the same shall have assented in writing thereto and until such assent shall have been filed with the secretary of state. Whenever any grant of lands shall have been or shall hereafter be made to any corporation to aid in the construction of a railroad upon condition that such road or any portion thereof shall be completed within the period of time or times fixed or limited by the act or acts making such grant or grants, or by any act or acts amendatory thereof, and such corporation shall have failed or shall hereafter fail to complete such railroad, or any part or portions thereof, within the time or times fixed or limited by such act or acts, it shall be the duty of the attorney general of the state to immediately institute if the legislature shall not have revoked said grant, proceedings against such corporation in the supreme court of the state to ascertain judicially the facts in the premises, and if it shall appear that such corporation has failed to complete its railway, or any portion thereof, within the time limited by said act or acts, or has otherwise committed a breach of the condition or conditions upon which said grant was conferred upon it, or of the requirements of said act, judgment shall be entered in behalf of the state, forfeiting, vacating and setting aside such grant or grants, and annulling all rights and interests of such corporation in and to all lands granted to it and not fully earned, and restoring such lands to the state, and such corporation shall thereafter be barred and fore-

closed of all rights and interests in or to the lands so adjudged to be forfeited and restored to the state, and of all right to, in any manner, thereafter acquire the same.

SECTION 2 This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 217, S.] [Published April 5, 1882.]

CHAPTER 267.

AN ACT to declare the legal effect of the payments made under chapter 10 of the laws of 1882, and to constitute the Chicago, St. Paul, Minneapolis & Omaha Railway Company the assignee of certain of the claims paid under said chapter and to authorize offsets and counter claims in the cases therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legal effects declared.

SECTION 1. All payments made to laborers and assignees of laborers out of the fund provided by and to be disbursed under sections 4 and 5 of chapter 10 of the laws of Wisconsin for the year 1882, entitled "an act to revoke, annual and resume the grant of lands made by chapter 126 of the laws of Wisconsin for the year 1874 to the Chicago & Northern Pacific Air Line Railway Company (now the Chicago, Portage and Superior Railway Company), and to repeal sections 8, 9 and 10 of said chapter 126, and to confer said grant of lands upon the Chicago, St. Paul, Minneapolis & Omaha Railway Company," shall inure to the benefit of the sub-contractors from whom such sums were due to said laborers, as fully as if the said sums had been paid to said laborers or their assignees by said sub-contractors and the said sub-contractors shall have the right to sue for and recover the said sums of money so paid to laborers from any person or persons, corporation or corporations, from whom or which they might have recovered the same had they paid said labor claims themselves, and the Chicago, St. Paul, Minneapolis & Omaha Railway Company having paid to the governor under the provisions of said section 4, the sum of seventy-eight thousand dollars, and having given the security to indemnify and save harmless the state against all expenses and liability incurred in feeding said laborers, as contemplated in and provided by said section 4 the said company shall be deemed in all courts and places the assignee and

owner of any and all claims and demands which shall be paid out of said fund to sub-contractors and supply and material men to the full extent that any such claim or demand shall be so paid, and of all right of action on account thereof belonging to said sub-contractors and supply and material men or their assignees, including said labor claims so paid out of said fund, and said Chicago, St. Paul, Minneapolis and Omaha Railway Company may sue for and recover against any person or persons, corporation or corporations, liable in any way or manner for such claims and demands for the full amount so paid thereon, with interest from the time of such payment, and it may assign and transfer such claims and demands, and its assignee or assignees shall be entitled in like manner to enforce the same by action or by way of set off or counterclaim, and each and every of said claims and demands so paid, in whole and in part, out of said fund under said act shall not thereby be extinguished, but shall be held and treated in all courts and places as sold and transferred to the said Chicago, St. Paul, Minneapolis & Omaha Railway Company. The certificate of payment of the agent appointed under said act to investigate the claims and demands therein mentioned of the amount paid to any claimant under said act, or his assignee, approved by the governor, shall be prima facie evidence in all courts and places of the amount due to such claimant and from whom due, and that such claim or demand has been transferred to and is owned and held by the Chicago, St. Paul, Minneapolis & Omaha Railway Company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No 185, S.] [Published April 5, 1882.]

CHAPTER 268.

AN ACT to amend section 1833 of chapter 87 of the revised statutes, entitled of railoads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1833 of chapter 87 of the revised statutes entitled "of railroads," as amended by chapter 260 of the laws of 1880, is hereby amended by striking therefrom the words: "Any railroad corporation whose line is wholly within this state may lease or purchase the railroad, franchises, immunities

In regard to railroads.

and all other property and appurtenances thereof, of any other railroad corporation, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, with or without branches. But no railroad corporation shall consolidate, with, or lease or purchase, or in any way become owner of or control any other railroad corporation, or any stock, franchises, rights or property thereof, which owns or controls a parallel competing line to be determined by a jury," and inserting in lieu thereof the following: Any railroad corporation organized and existing under the laws of this state may lease or purchase the railroad, franchises, immunities and all other property and appurtenances and the stock or bonds thereof of any other railroad corporation or any portion thereof, within or without this state, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, or when the roads so purchased will constitute branches or feeders of the roads maintained and operated by such purchasing corporation. And any railroad corporation organized under the laws of this state may purchase and hold the stock or bonds of any railway company to which it has furnished the money for the construction of its railway, or may purchase for the money so furnished or for such other consideration as may be agreed upon between the companies, and take a conveyance of the whole or any portion of the franchises of said corporation and of the railway, property and appurtenances thereof, and all acts, purchases and conveyances heretofore made by any railway company of this state, which are authorized by this act, are hereby legalized, ratified and confirmed. But no railroad corporation shall consolidate with, or lease, or purchase, or in any way become owner of or control any other railroad corporation or any stock, franchises, rights or property thereof which owns or controls a parallel and competing line, to be determined by a jury, so that said section 1833 shall when so amended read as follows: Section 1833. Any railroad corporation may consolidate its stock, franchises and property with any other railroad corporation, whether within or without the state, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, with or without branches, upon such terms as may be agreed upon; and become one corporation by any name selected, which within this state

Railroad corporation may consolidate its stock.

shall possess all the powers, franchises and immunities, including the right of further consolidations with other corporations under this section, and be subject to all the liabilities and restrictions of this chapter, and such in addition, including land grants and exemptions of land from taxation, as such corporations peculiarly possessed or were subject to at the time of consolidation or amalgamation by the laws then in force applicable to them or either of them. Articles stating the terms of consolidation shall be approved by each corporation by a vote of the stockholders owning a majority of the stock, in person or by proxy, at either a regular annual meeting thereof, or a special meeting called for that purpose in the manner prescribed in section 1826, or by the consent in writing of such stockholders annexed to such articles; and a copy thereof, with a copy of the records of such approval or such consent and accompanied by lists of their stockholders and the number of shares held by each, duly certified by their respective presidents and secretaries, with the respective corporate seals affixed of such corporations, shall be filed for record in the office of the secretary of state before any such consolidation shall have any validity or effect. Any railroad corporation organized and existing under the laws of this state may lease or purchase the railroad franchises, immunities and all other property and appurtenances and the stock or bonds thereof of any other railroad corporation or any portion thereof, within or without this state, when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, or when the road so purchased will constitute branches or feeders of the road maintained and operated by such purchasing corporation. And any railroad corporation organized under the laws of this state may purchase and hold the stock or bonds of any railway company to which it has furnished the money for the construction of its railway, or may purchase for the money so furnished, or for such other consideration as may be agreed upon between the companies, and take a conveyance of the whole or any portion of the franchises of said corporation, and of the railway, property and appurtenances thereof, and all acts, purchases and conveyances heretofore made by any railway company of this state which are authorized by this act are hereby legalized, ratified and confirmed. But no railroad corporation shall consolidate with, or lease or purchase, or in any way become owner of or control any other railroad corporation, or

any stock, franchises, rights or property thereof which owns or controls a parallel and competing line, to be determined by a jury.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 270, A.] [Published April 11, 1882.]

CHAPTER 269.

AN ACT to provide for the construction of a dam across Babb's creek, in the county of Sauk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Maintain a dam.

SECTION 1. Alexander P. Ellinwood, his associates heirs and assigns are hereby authorized and empowered to erect, keep up and maintain a dam across Babb's creek on the northeast quarter of section nine (9), township twelve (12) north, of range four (4) east, in the town of Reedsburg, county of Sauk, and to erect and maintain mills, machinery and necessary appendages to enable him or them to use the water of said creek for milling and manufacturing purposes.

Head of water.

SECTION 2. Said dam may be of sufficient height to give 12 feet head of water at the point where it is located.

Damages.

SECTION 3. Nothing in this act shall be so construed as to authorize Alexander P. Ellinwood or his successors to flow the lands of any individual to the injury of the owner thereof without full and just compensation therefor, in accordance with the law governing in such cases, but the said A. P. Ellinwood or his successors shall pay in full all damages accruing from such flowage when they shall be determined either by the agreement of the parties or by due process of law.

SECTION 4. This act shall take effect and be in force from and after its passage.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

March 30, 1882.

ERNST G. TIMME.
Secretary of State.

407, A.] [Published April 11, 1882.]

CHAPTER 270.

AN ACT to authorize Phillip Rossman his heirs and assigns, to repair and maintain a certain dam on Rock creek, in Clark county Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Phillip Rossman, and his assigns, are hereby authorized to build, construct, repair, and maintain a dam across Rock creek, in the county of Clark, Wisconsin, upon lands owned by said Phillip Rossman, on the southwest quarter of the southwest quarter of section number twenty-eight (28) in township number twenty-seven (27) north of range number one (1) west, and to otherwise improve said creek by clearing and straightening its channel so as to facilitate the driving of logs down and out of said Rock creek. **Maintain a dam.**

SECTION 2. The said Phillip Rossman, and his assigns shall build a suitable slide and gate in said dam for the purpose of sluicing logs through said dam, and shall keep the same in good repair and operate the same for the purpose of facilitating the driving of logs down and out of said creek **Slide.**

SECTION 3. When said dam shall have been constructed as before provided so as to render the floating of logs down and out of said creek from above said dam reasonably certain, the said Phillip Rossman and his assigns in consideration of the building and operating of said dam, shall be entitled to charge, sue for and collect tolls on all logs so driven down and out of said creek by the aid of said dam, the sum of ten cents per thousand feet board measure. **Tolls.**

SECTION 4. The tolls authorized by the provisions of this act shall be a lien on all logs driven through said dam for the amount thereof, at the rate aforesaid, and such lien shall be enforced, in the same manner as liens for labor on logs under the general statutes. **Lien on logs.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

ERNST G. TIMME.

March 30, 1882. Secretary of State.

[No. 408, A.] [Published April 5, 1882.]

CHAPTER 271.

AN ACT to incorporate the city of Neillsville.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

Corporate name.

SECTION 1. From and after the second Tuesday of April, 1882, all that district of country in the county of Clark hereinafter described, shall be and remain a city by the name of Neillsville, and the people who now or who may hereafter inhabit said district shall be a municipal corporation by the name of the city of Neillsville, and shall have the general powers possessed by municipal corporations at common law, and also the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded with, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

CHAPTER II.

BOUNDARIES AND WARDS.

Boundaries.

SECTION 1. The west half of section No. 14, all of section No. 15, lying and being east of the center of Black river, all of section No. 10, lying and being east of the center of Black river, and all of the southwest quarter of section No. 11, lying and being east of the center of Black river, all in township No. 24, range No. 2 west, shall be included within and constitute the territory comprising the city of Neillsville.

Wards.

SECTION 2. The city shall be divided into three wards. All that portion lying and being north of O'Neill Creek shall constitute and be the First ward; all that portion lying and being south of O'Neill Creek and east of the center of East or Main street shall constitute and be the Second ward; all the rest of said territory shall constitute and be the Third ward.

CHAPTER III.

OFFICERS.

Officers.

SECTION 1. The annual election for city officers shall be held on the first Tuesday in May in each year,

at such place as the common council shall designate, and the polls shall be kept open from ten o'clock in the forenoon until five o'clock in the afternoon, and the city clerk shall give ten days notice of the time and place, and of the officers to be elected at such annual election. Such notice shall be by publication in some newspaper published in the city, or by publishing the same by posting up two written or printed notices in each ward.

Elective officers.

SECTION 2. The elective officers of said city shall be a mayor, treasurer, city clerk, one assessor, one police justice, one alderman to represent each ward, and one supervisor to represent each ward on the county board. The said alderman and supervisor must reside in the ward they represent, and be a free holder in the city. The mayor, police justice, treasurer, city clerk, assessor and alderman shall hold their offices for one year, and until their successors are elected and qualified. All other officers and agents necessary to the proper discharge of the duties herein conferred, shall be appointed at the first meeting of the common council in each year, or as soon thereafter as may be. The common council shall have power to remove any person appointed by them for due cause upon a majority vote of all. First giving the person seven days notice of the reasons for his removal, and a fair and just hearing, and may be assisted by council.

Elections shall be by ballot.

SECTION 3. All elections shall be by ballot, and a plurality shall in all cases decide an election, when two or more candidates for an elective office shall receive an equal number of votes for the same office, it shall be determined by lot in the presence of the inspectors, and at such time and in such manner as the inspectors shall direct. All votes for elective officers shall be upon one ballot and shall be deposited in one general box, and there shall be a ballot box for each ward with the number of the ward painted thereon.

Persons who are entitled to vote

SECTION 4. All persons entitled to vote for county and state officers and who shall have an actual residence in the city thirty days next preceding the election shall be entitled to vote for any officer to be elected, or other questions that may be submitted to the people for their vote.

Challenging votes.

SECTION 5. If any vote be challenged, or if the inspectors of any election shall have reason to believe when any person presents himself to give his vote that he does not possess the qualifications of an elector, the same oath as is required by law at general elections

shall be put to the person offering to vote, with the further statement that the deponent has thirty days next preceding the election at which he offers to vote, resided in the city. All persons illegally voting, and all fraud, deceit or corruption at any election held under this act shall be punishable according to the laws of this state made and provided for the punishment of illegal voting, fraud, deceit, or corruption at any election.

Eligible to office.

SECTION 6. No person shall be eligible to any office under this act unless he is at the time of his election a resident elector of the city.

Counting votes.

SECTION 7. When an election shall be closed, the inspectors shall proceed to count the votes cast for each and every candidate voted for and shall make a return thereof, which shall be subscribed by each inspector, and containing a statement of the whole number of votes cast for each office, and the number cast for each candidate thereof, and proclaim the result of the election and shall file the statement with the city clerk who shall record the same in a book to be kept for that purpose.

When first election shall be held.

SECTION 8. The first election under this act shall be held on the first Tuesday of May, 1882, and annually thereafter on the first Tuesday in May, and the supervisors of the town of Pine Valley, or any one of them, if the others are absent, and the clerk of the town of Pine Valley, or his deputy shall constitute a board of canvassers for the first election, with authority to select from the legal voters, in case that any of the town board be absent, a sufficient number to make five in all, and make return of the result as is provided by this act to make returns at general elections of the city and the said returns or statements shall be filed with the city clerk as soon as he has qualified.

Special elections.

SECTION 9. Special elections may be called to fill any vacancy in any of the elective offices, or for other purposes. Ten days' notice thereof shall be given, which shall specify the time and place such election or meeting will be held, and the object for which it is called, and shall be published as is provided for notice of annual elections; and in case there shall be no officer to give such notice of any annual or special election or meeting, the same may be given by the mayor or any alderman; and in case of all said offices be vacant, then by any five electors of the city. Special elections or meetings shall be held and conducted and return thereof made, recorded and filed as hereinbefore provided for at annual elections.

SECTION 10. The mayor and each officer of said city, except the alderman shall, within ten days after his election, and before he enters upon the duties of his office, execute to the city and file with the city clerk, a bond conditioned that he will faithfully, honestly and impartially discharge the duties of his said office according to law, and to the best of their ability, in such a sum as the council may direct at the meeting prior to any election, not to exceed five hundred dollars, except the treasurer, which shall be at least double the amount of all the moneys to come into his hands during his said term. Any voter or other person may prosecute said bond in his own name or in the name of the city, by giving security for all costs and damages that may be recovered or judgment had against such person upon failing to sustain his action, and recover any damages occasioned to him or to the city by reason of any breach thereof, or the city may, by its attorney, prosecute the same, provided, there shall be but one recovery for each breach of said bond, and the suit first began shall have priority of right to recover, and such officers shall file with the city clerk his oath of office, as provided by law for county and town officers. Officers to execute bonds.

SECTION 11. Special meetings of the common council may be called by any two of its numbers, or by the mayor alone, and the city clerk shall give reasonable notice to all the members of the time and place of meeting. Special meetings.

SECTION 12. All ordinances, by-laws, rules and regulations of the city, and all commissions, licenses and permits granted or authorized by the common council shall be signed by the mayor and countersigned by the city clerk, and whenever the city shall be a party to any contract, bond, agreement, deed, conveyance, lease or other instrument in writing wherein or whereby any legal or pecuniary liability shall be incurred by the city, the same shall be signed by the mayor and city clerk, and sealed with the corporate seal. Ordinances, by-laws, etc., by whom signed.

SECTION 13. The mayor, alderman, city marshal, and the sheriff and his deputies of Clark county, and all constables of the town of Pine Valley, shall be officers of the peace, and suppress in a summary manner all riots, affrays or disorderly conduct within the city, and for such purpose may command the assistance of all bystanders and citizens or other persons, and if either or any said officers or persons by them commanded shall refuse or neglect to aid or assist such Officers of the peace.

officers in maintaining the peace, or in the service of any process, or arresting offenders without process when so required, upon conviction shall be deemed guilty of a misdemeanor, and shall be fined not less than ten nor more than two hundred dollars and costs of suit, and in default of payment shall be committed to the common jail of Clark county or the city jail until paid, but such imprisonment shall be limited by the court, and in no case shall be less than ten days.

Jurisdiction of police justice.

SECTION 14. The police justice shall have sole and exclusive jurisdiction of all offenses against the provisions of this charter, and the ordinances, by-laws and police regulations of the common council of the city and in cases of contempt the police justice shall have the same powers and authority as justices of the peace. He may administer oaths and take acknowledgments, the same as justices of the peace. The police justice shall be entitled to receive for his services the same compensation in fees as is allowed by law to justices of the peace for similar services, and such further compensation as the common council may allow and prescribe. In case of the absence, inability or sickness of the police justice, the mayor, by warrant, may authorize the justice of the peace within the city to perform the duties of police justice. Appeals and writs of certiorari may be taken from the police justice in the same manner as from justices of the peace.

Police justice to pay over to treasurer.

SECTION 15. The police justice shall account for and pay over to the treasurer of said city all fines and penalties collected by him and belonging to said city.

CHAPTER IV.

DUTIES OF OFFICERS.

Duties of mayor.

SECTION 1. The mayor shall preside over the meetings of the council, and shall see that the laws of the state and the ordinances of the city, within the corporation, are duly enforced, and that all the officers of the city discharge their respective duties. He shall give the council such information and recommend such measures as he may deem proper and advantageous to the city, and shall perform all the duties imposed on him by this act, or by ordinances or resolutions of the council. It shall be his duty generally to maintain the peace and good order of the city. He shall vote in the council only in case of a tie vote. He shall have the control and supervision of the police of said city, and is hereby authorized to appoint special police-

men when the safety and good order of the city shall in his judgment, require the same, upon special or unusual occasions, where compensation shall be fixed and allowed by the common council.

SECTION 2. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Neillsville." The common council shall meet, qualify and organize on the second Tuesday in May, of each year, or as soon thereafter as may be. A majority of the aldermen, with the mayor, shall constitute a quorum. What constitutes the common council.

SECTION 3. At the first meeting of the common council of each year under this act, or as soon thereafter as may be, the common council shall appoint one street commissioner for said city, who shall hold his office for one year, and until his successor is appointed and qualified, and whose duties and liabilities shall be as hereinafter provided. Appointment of street commissioner.

SECTION 4. The common council shall have the control and management of the finances and of all the property of the city, and shall likewise in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city for the suppression of vice and immorality, for the prevention of fires, and for the benefit of trade, commerce and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any and all persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of laws, provided that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinances, resolutions or by-laws: Control and management of the finances.

1st. To license, regulate, and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, theatrical performances or concerts, and the use of billiard tables, bowling saloons, and to provide for the abatement of and removal of all nuisances under the ordinances or at common law, and to grant licenses for selling spirituous, vinous or fermented liquors, and regulate groceries, taverns, victualing houses, and the persons vending or dealing in spirituous, vinous or fermented liquors, and License.

revoke the same for a violation thereof; provided, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state.

Gambling.

2d. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the common council.

Prevent riots, etc.

3d. To prevent any riots, noise, disturbances, or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Cleansing nauseous places.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Slaughter houses.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection of or the use and occupation of the same when the offal or filth therefrom shall endanger the health of the inhabitants of the city.

Encumbering of streets.

6th. To prevent the encumbering of the streets, sidewalks, alleys or public grounds with any material substance whatever, and to require the removal of snow and other substances by the owners of such sidewalks.

Horse racing.

7th. To prevent horse racing, immoderate riding, or driving in the streets, and to regulate the places of bathing in the waters within the limits of said corporation.

Public pounds.

8th. To build a public pound, to restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining and impounding of the same.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to an ordinance.

Putrid carcasses.

10th. To prevent any person from burying, depositing, or having, within said city, or place adjacent to said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same

by any person, who shall have on his premises, any such substances, or putrid or unsound beef, pork, fish, hides, or skins of any kind, or on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

11th. To prevent all persons from riding, driving or leading any horse, mule or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks. **Riding or driving on sidewalks.**

12th. To prevent the shooting of firearms or crackers, and to prevent the exhibition of fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to the citizens thereof. **Shooting firearms.**

13th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same. **Restrain drunkards.**

14th. To regulate, prevent and control the landing of persons from cars and stages wherein any contagious or infectious diseases or disorders exist and to make such disposition of such persons as to preserve the health of said city. **Contagious diseases.**

15th. To appoint one street commissioner (and to remove him at pleasure), whose compensation shall be such sum as shall be determined by the council at the time of making the appointment, not exceeding, however, two dollars per day. **Street commissioner.**

16th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. **Weights and measures.**

SECTION 5. To establish a fire department; to approve or disapprove of the officers elected therefor; to prescribe and regulate their duties; to provide protection from fire by purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses, rent or purchase any now put up or used therein; to compel the inhabitants of the city to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fires; as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and **Fire department.**

fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale, and after reasonable notice to such owner or occupant and refusal or neglect by him, to procure and deliver the same to him, and in default of payment thereof to levy the costs thereof as a special tax upon such real estate, to be assessed and put in the tax roll and collected as other taxes are collected. To require construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipe, and the construction and cleansing of chimneys; to prevent bonfires, and generally to establish such measures for the prevention or extinguishment of fires as may be necessary and proper.

Grade of streets.

SECTION 6. The common council shall have power and authority to establish the grade of any or all streets, gutters and sidewalks in said city, and the said common council shall, on a petition of a majority of the owners of real estate bordering on any street or sidewalk in said city, not less than ten rods in length, establish the grade of such street, sidewalk or gutter, as the case may be; such grade shall be established on the survey of a practical surveyor to be appointed by the said common council, whose compensation shall not exceed the pay allowed by law for like services; and it shall be the duty of the common council to cause the grade of all streets, gutters and sidewalks, when established, to be recorded in the office of the clerk of said city in a book to be provided for that purpose, and when any such grade shall have been so established and recorded, the same shall not be altered or changed, except upon the written recommendation of a practical surveyor, and by the unanimous vote of the common council; provided, that where any grade shall have been so established on Main, or Second or Third streets, in said city, such grade shall be uniform across the end of each such block; and provided further, that no sidewalk shall be constructed or rebuilt within said city without such grade first established.

Repairing of sidewalks.

SECTION 7. The common council shall have power to compel the building and repairing of sidewalks in said city, to control and regulate their material and construction, and to levy special taxes on the adjoining property for the building or repairing of the same in the manner hereinafter provided.

Building sidewalks.

SECTION 8. Whenever a majority of the resident owners of real estate, or lots bordering on any one side

of any street or part of street in said city, not less than ten rods in length, shall desire to have a sidewalk built along the line of such real estate or lots, they shall make out in writing and sign an application to the common council, in which shall be stated the points where they desire such sidewalk to commence and terminate, and request that such sidewalk be ordered laid, and that a special tax be levied upon the property bounded thereby sufficient to build the same.

How to proceed to build walks, etc.

SECTION 9. On the receipt of such application, the common council, if it shall deem the building of such sidewalk necessary or expedient shall prescribe the manner of its construction and the materials of which the same shall be composed, and shall direct the street commissioner to cause the grade to be established for such sidewalk, and to report the cost of building the same along the line of each lot or tract of land bounded thereby. Upon the coming in of such report, the common council shall have power to alter or correct the same, and shall levy such tax and shall direct the clerk to make out and deliver to the street commissioner a list or roll of such tax as is required to build said sidewalk along the line of each lot or tract of land bounded thereby giving the names of the owners if known, and a description of each lot or tract of land so taxed; whereupon the street commissioner shall notify the persons named in such tax list by delivering to or leaving at the residence of each such person (if residing within said city) a written or printed notice requiring such person therein named to build such sidewalk to the approval of the street commissioner and in the manner directed by the common council, along the line of the lot or land so taxed within thirty days, or to pay the amount of said tax in money. In case any person so taxed does not reside within said city, such notice may be served by delivering the same to such person if to be found, or in lieu of such personal service, such notice may be posted in three public places in said city.

Warrant to be annexed to roll.

SECTION 10. To every such tax list or roll issued as aforesaid, a warrant shall be annexed, signed by the mayor and countersigned by the clerk, commanding the street commissioner to give notice to the several persons named therein, as is provided in section 9 of this chapter, and in case any such person shall have failed to build such sidewalk, for the building of which such tax was levied, within thirty days after such notice, to demand the payment of such tax in money. The

street commissioner shall return such tax list or roll to the city clerk within forty days from the time the same shall have been placed in his hands, together with his statement, duly verified, showing what part or parts of said sidewalk has been built as required therein by the several owners of lots and tracts of land along the line thereof, also what part of each such tax has been paid in money and by whom paid.

Unpaid taxes for sidewalks.

SECTION 11. On the return of such tax list and warrant, if it shall appear that any part of any such tax remains unpaid, the common council may order the street commissioner to complete the building of such sidewalk, and the cost thereof shall be paid out of the general fund of said city, and all such unpaid taxes shall be collected as is provided in section 6 of this chapter, and when collected shall be returned into the aforesaid general fund.

May direct repairing of sidewalks.

SECTION 12. Whenever any sidewalk in said city shall, in the opinion of the common council, require repairing or rebuilding, the said common council may direct the street commissioner to notify the owner or owners of such sidewalk to rebuild the same within twenty days, or to repair the same within twenty-four hours, as the case may be, which notice shall be given as is provided in section 8 of this chapter. In case any such person shall fail to repair or rebuild the same within the time required by such notice, the common council shall have authority to direct the street commissioner to rebuild or repair the said sidewalk, and to certify and return the expense thereof to the city clerk, and all such cost and expenses shall become a tax against the property bounded by the sidewalk so built or repaired, and shall be collected as is provided in section 6 of this chapter.

Unpaid taxes to be inserted in tax roll.

SECTION 13. The city clerk in making out the general tax rolls of said city next thereafter, shall enter therein all such unpaid special taxes for the building and repairing of sidewalks in a separate column, opposite the names and descriptions of the property against which such taxes remain unpaid, and such taxes shall be collected by the treasurer of said city in the same manner as the general taxes are collected.

Street commissioner shall collect highway tax.

SECTION 14. The street commissioner shall collect the highway taxes of said city, and shall superintend the expenditure of the same under the direction of the common council; and he shall, before entering upon the duties of his office, execute and file with the clerk a bond to the city of Neillsville for the faithful dis-

charge of his official duties, in such an amount and with such sureties and conditions as shall be required by the common council and approved by the mayor.

Amount of tax to be determined and the time when.

SECTION 15. The common council of said city shall, on or before the first Monday in May of each year, determine the amount of highway tax for said city necessary to be collected for such year, and shall levy such tax on the assessment of said city for the previous year, which tax shall not be more than two mills on the dollar of such assessed value of said city, and the said common council shall also levy a poll tax not to exceed one dollar and fifty cents upon each male person not exempt by law from the payment of poll tax of the age of twenty-one years and under the age of fifty years, residing within said city; which said poll and highway taxes may be paid in labor or money, as is provided herein. The highway tax roll of each year shall be made out by the clerk and delivered to the street commissioner of said city on or before the first Monday in June of each year, and to each such tax roll a warrant shall be annexed, signed by the mayor and countersigned by the clerk, commanding the street commissioner to demand the payment of such tax therein levied of the several persons and corporations therein named; and such tax may be paid in labor at such rate of compensation as shall have been fixed by the common council for such year and not otherwise, and the said common council shall at the time of levying the highway tax for any year, fix by resolution the rate of compensation to be allowed on such taxes for labor, teams, wagons, carts and plows, used in payment of highway taxes for such year. The street commissioner shall give at least three days' notice to each person so taxed and residing within said city, and who may desire to pay such tax in labor, of the time and place where such labor may be performed or teams and utensils furnished, and shall inform such person of the rate of compensation fixed by the common council, and if any person so notified shall fail to appear and work such tax at the time and place he shall be notified by the street commissioner so to do, such person shall be precluded from afterward paying such tax in labor, and the same shall in each such case be paid in money. The street commissioner shall collect all such highway taxes on personal property, and all such aforesaid poll taxes, in the same manner as town treasurers are required by law to collect taxes on personal property, and for that purpose shall have

and possess all the powers conferred by law on town treasurers. On the first Monday in October of each year, the street commissioner shall certify and return to the city clerk all unpaid taxes on real estate as appears from said roll, and the clerk shall insert the same in the general roll thereafter, in a separate column opposite the description of the property so taxed, and the same shall be collected therewith in the same manner as other taxes on real estate are collected and paid over to the street commissioner, who shall make a final return of such highway tax roll to the common council, whenever required by the said common council so to do.

CHAPTER V.

TAXES, REVENUE, ETC.

SECTION 1. All taxes raised and collected in said city shall be assessed and collected on the taxable property thereof.

Time for determining general tax.

SECTION 2. The common council shall, between the second Monday in May and the first Monday in July in each year, determine the amount of general tax necessary to be assessed and collected the current year for corporation purposes, which shall in no case exceed one and one-half mills on the dollar of the assessed valuation of said city, except as hereinafter provided for in the levy and collection of special taxes. The maximum rate of taxation fixed in this and the ensuing section shall not be changed during the life of this charter except upon petition of one-half of all the legal voters in said city.

Cannot borrow money.

SECTION 3. The common council of said city shall have no power to borrow money, nor shall said city be liable to pay money borrowed on its account or advanced on its behalf by any of its officers, nor shall any of its money or property be applied to any such purpose, nor shall the common council have power to issue any bonds or other evidence of debt payable at a day subsequent to the day of the issue thereof, nor shall the common council issue in any one year orders upon the city treasurer greater in amount than the amount of taxes which may be levied and collected under this act for such year; provided, that when it shall be necessary to build or repair bridges in said city, or to provide for other matters of necessity for the benefit of said city, a special tax may be levied for such purpose by the common council, not exceeding five hundred dollars in any one year; if a sum exceeding five hund-

red dollars may be required, such special tax may be voted by the qualified voters of said city, but no such vote shall be taken unless such special tax shall be first recommended by the common council, nor unless a majority of the votes cast at such election of said city shall be in favor of such special tax, nor unless a notice of the same specifying the purpose for which said tax is to be raised, and the time and place of voting be published in the manner in this act providing for giving notice of city elections, which elections shall be conducted in the manner provided for municipal elections under this act.

Presenting claims against city.

SECTION 4. No account or claim against said city shall be paid until it shall have been presented to the common council thereof for their allowance, and audited and allotted by it, and when any such account shall be so audited, the common council so auditing the same shall endorse thereon or annex thereto a certificate subscribed by it of such auditing, and allowing or disallowing the same in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Accounts must be itemized.

SECTION 5. No account or claim shall be allowed by the common council until it shall be made out in items, and shall be accompanied by an affidavit of the person claiming to have done the service or made the disbursements therein charged, that the several items of the account or claims are correct, and that the services therein charged have been rendered, and the disbursements therein charged have been made, and that no part thereof has been paid. Such affidavit shall be endorsed on or annexed to such account or claim, and presented therewith. Any member of the common council, when such account or claim shall be presented to it, may administer the oath required in this section, and said common council may examine the claimant on oath as to the items in such account or claim.

Further proof.

SECTION 6. Nothing in the last preceding section shall be construed to prevent the common council from allowing any claim or account, in whole or in part, when so made out and verified, nor from requiring other and further proof of the correctness and reasonableness thereof.

Numbering accounts.

SECTION 7. Every account or claim against said city presented to the common council in any year, shall be numbered from one upwards, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the

person in whose favor it shall be made out, shall be entered in the record of the proceedings of the common council.

Drawing warrants.

SECTION 8. Every warrant drawn by the common council to pay any account or claim shall refer to such account by the number, the name of the person in whose favor it was made out and the time it was presented, and of the amount of the warrant, and a memorandum of such reference shall be entered in such records before such warrant shall be delivered to the claimant.

Certificate of allowance.

SECTION 9. No alderman shall allow or subscribe a certificate of allowance of any item or any account or claim against said city which said city shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax; nor shall any alderman sign any warrant for the payment of any such claim or account, or any part thereof; nor shall any alderman vote in the common council on any matter in which he is interested.

Moneys raised to be used for the purpose for which levied.

SECTION 10. All moneys raised by virtue of any tax levied upon the property of said city shall be used for the purpose for which such tax was levied, and for no other purpose whatever; and any officer misapplying any such money shall be deemed guilty of malfeasance in office. But nothing herein shall be construed to prohibit or prevent the common council from auditing and paying all just demands and claims against said city which it would be legally bound to pay from the corporate fund thereof.

License money to go into general fund.

SECTION 11. All moneys derived from licenses issued by authority of the common council of said city, under the provisions of this act or of the excise law of the state of Wisconsin, shall be paid into the treasury of said city for its benefit as a part of the general fund.

Officers to hold until successors are elected.

SECTION 12. All officers of the town of Pine Valley now in office shall hold their respective offices until their successors shall be elected or appointed and qualified under this act, and the term of every officer elected or appointed under this act shall commence on the second Tuesday of April of the year for which he was elected, except for the year 1882, whose terms shall commence on the third Tuesday of April.

Physicians to report infectious diseases.

SECTION 13. Every practicing physician in said city who shall have a patient laboring under any malignant or infectious or pestilential disease shall forthwith make report thereof to the mayor of said city,

and for neglecting so to do shall be considered guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum of fifty dollars, to be recovered for the benefit of said city.

No overseer of highways shall be elected.

SECTION 14. No overseer of highways shall be elected in the city, nor any town tax or highway tax be levied therein, or on the property therein by the town of Pine Valley. The bridge across Black river, west of the city, shall be maintained, repaired, rebuilt, and the approaches thereto maintained, repaired or rebuilt under the direction of the common council of the city, and the expense thereof shall be paid by the city of Neillsville and the town of Pine Valley in proportion to the assessed valuation of the property in the town and city, as it appears from the assessment rolls of the year previous to the time the work was done.

City may purchase tax sale certificates.

SECTION 15. The city may purchase tax sale certificates and take deeds upon the same in its own name for any land returned by it to the county for non-payment of taxes.

Duties of treasurer.

SECTION 16. The treasurer of said city shall receive all moneys which may or shall be collected for the use of the corporation by virtue of this act or by virtue of any by-law or ordinance of the corporation, and give the persons paying the same his receipt therefor. All moneys shall be drawn from the treasury by warrant under the corporate seal, signed by the mayor by order of the aldermen, and countersigned by the clerk, who shall keep a record thereof, and any such warrant shall set forth for what purpose the amount specified therein is to be paid; and the said treasurer shall pay out the funds of the corporation in no other way whatever. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer in a book to be provided by the corporation for that purpose, which book shall be and remain the property of the corporation, and in said book he shall note the time when the persons from whom the amount of the several sums was received and the source whence the said sums arose respectively; and in the same book he shall duly enter an account of all sums paid out; and said book shall at all reasonable times be opened to the inspection of the voters of said city; and the said treasurer shall annually, and as often as they shall require, render to the board of aldermen a minute account of all his receipts and disbursements; and the said treasurer shall be collector of taxes within the corporation, and he shall possess

all the powers and perform the duties as such collector as is or may hereafter be conferred upon town treasurers. He shall in the same manner, before receiving the tax rolls of the respective wards, execute his bond to the treasurer of the county of Clark, which bond shall be approved by the mayor of said city, and upon filing the same the treasurer of said county shall give him a a receipt therefor, and upon filing the receipt with the clerk of said city, the said clerk shall deliver the tax roll of each ward to him, and the said treasurer shall proceed and collect the taxes in the manner as is by law provided for town treasurers, and shall duly make his return to the county treasurer of his said county, receiving the same compensation for his services allowed to town treasurers.

Duties of assessor.

SECTION 17. The assessor shall assess all the property in his ward, and shall perform all the duties, and in the same manner as required of town assessors, and shall receive the same compensation as now allowed by law.

Duties of marshal.

SECTION 18. The marshal, before he enters upon the duties of his office, and within six days after his election or appointment, shall execute an instrument in writing, with two or more sufficient sureties, to be approved by the mayor, conditioned to pay to each and any person who may be entitled thereto, all such sums of money as the said marshal may become liable to pay for, or on account of any money which may come into his hands by virtue of his office, or for the neglect of any official duty, which writing shall be filed with the clerk of said city, and the said marshal shall possess all the powers and enjoy all the rights of a constable in the county of Clark, and shall be subject to the same liabilities; he shall have power to serve and return summons, attachments, replevins, executions and all other writs issued by any justice of the peace in the county of Clark, and his return, properly certified thereon, shall be evidence of the service thereof. It shall be his duty to execute and return all writs and process in criminal cases, or for the violation of any ordinance of said city, and he may serve the same in any part of the state of Wisconsin. It shall be his duty to suppress all riots, disturbances and breaches of the peace; to apprehend all disorderly persons in said city, and pursue and arrest any person fleeing from justice in any part of the state; to apprehend any person in the act of committing any offense against the laws of this state of ordinance of the

city, and forthwith to bring such person or persons before competent authority for examination, and for all services he shall receive like fees as are allowed to constables; he shall do and perform all such duties as may lawfully be required of him by the ordinances of said city, and he shall have power and authority to appoint one or more deputies, to be approved by the mayor, for whose official acts the said marshal shall be responsible, and of whom he may require a bond for the faithful discharge of their duties.

Duties of street commissioner.

SECTION 19. It shall be the duty of the street commissioner, within ten days after his appointment and qualification to inspect all the streets in the city, all sidewalks, crosswalks, ditches, gutters, culverts and all bridges and approaches thereto, and all matters and things appertaining to the streets, and to report to the common council, recommending what in his opinion is necessary and ought to be done thereto. On the receipt thereupon, the common council shall consider the same, and may adopt the whole or any part thereof, add to, strike out, amend or change any part thereof, and as soon as they have passed upon said report and recommendations, the street commissioner shall be informed of the action had thereon, whereupon said street commissioner shall cause such work to be done in accordance to the common council's amendments to his report, and according to the orders and directions of said common council. Any party or parties may petition the common council for any work or improvement they may particularly desire to be done, and said common council may act thereupon as they may deem fitting and proper, and said street commissioner may at other times, make such other reports as the necessities of the case may require.

Further duties of street commissioner.

SECTION 20. It shall be the further duty of the street commissioner to employ men, and procure utensils, teams and materials, and whatever may be necessary in performing the street work in said city, and all this he shall do under the direction and advice of the common council, and he shall superintend all such work when directed by the common council so to do, and shall keep an accurate account of all material procured, and all teams, utensils and men employed by him, and be able to certify to the account therefor, and shall do and perform, or cause to be performed, any and all other duties pertaining to his office, that may be prescribed from time to time by the common council; provided, however, that no street commissioner

shall contract nor create any greater expense to the city in any one year than the amount raised by the common council for highway purposes.

Accounts to be paid out of highway tax.

SECTION 21. All accounts against the said city for either work, hire or materials for street purposes, including street commissioner's services, shall be paid out of the highway tax of said city; provided, however, that the expense of building and maintaining any bridge in said city may be paid out of the general fund. All such accounts for street commissioner purposes shall be duly verified, and when they arose or were created under the direction of the street commissioner, shall be certified by him to be true and correct in all particulars. The street commissioner shall be paid for his services, and for every day's service actually and necessarily rendered, such compensation as the common council and street commissioner shall agree upon at the commencement of his official year, which shall not exceed two dollars per day, and such account for services shall be rendered under oath, as other accounts are. The common council may at any time remove such street commissioner from office by a majority vote of the common council.

Further duty of street commissioner.

SECTION 22. It shall be the further duty of the street commissioner to collect all highway taxes and superintend the laying out of the same under the direction of the common council. He shall possess all the powers and have all the rights in the collection of such taxes as is by law conferred upon road overseers. He shall, before he enters upon the duties of his office, execute to the common council a bond, in such sum, with such sureties and conditions as the said common council shall direct, for the faithful discharge of his official duties.

Further duty of street commissioner.

SECTION 23. It shall be the further duty of the street commissioner to see that all the ordinances of the city relating to the obstructing and cleaning of sidewalks, streets, alleys, public grounds, gutters and sewers within said city, are duly kept and observed, and direct and control the persons employed therein.

Further duty of street commissioner.

SECTION 24. It shall be the further duty of the street commissioner to report to the common council, in writing, when required, the amount of labor, materials or money expended in each ward separately, and also the amount expended on the street running between and dividing the three wards, and shall at the close of his official year, make an annual report in writing to the common council, which shall set forth

the amount of highway tax paid in money, and the amount paid in labor, also the amount of poll tax collected, the manner in which such moneys have been disbursed and the particular items of such disbursement.

SECTION 25. The city clerk shall keep the corporate seal, and all the papers and records of the city, and shall attend the meetings of the common council, and keep full minutes of its proceedings, and enter the same on record; and shall keep a faithful record of all doings and votes of the inhabitants of said city, at their annual and other legal meetings. The records kept by the clerk shall be evidence in all legal proceedings, and copies of any and all books, papers, instruments or documents, and all indorsements thereon, filed and kept in his office, and transcripts from the records in his office duly certified by him under the corporate seal of the city, shall be evidence in all courts of the contents of the same, in like manner as the originals; and abstracts from any such records or papers so certified, shall in like manner be evidence of the particular matter to which they relate. The clerk shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep an accurate account thereof in a book provided for that purpose; he shall also keep an account with the treasurer, and charge him with all moneys paid into the treasary. He shall draw and countersign all licenses granted by the common council. He shall be the custodian of all election returns, and of the oaths and bonds of such officers as are required to file the same in his office, and immediately upon the election or appointment and qualifying of any officer elected or appointed in said city, he shall certify the same to the clerk of the circuit court of Clark county, under his hand and the corporate seal of said city, and in like manner shall certify to the county clerk of Clark county the election and qualifying of the supervisor or supervisors that may be elected to represent said city in the county board of supervisors, such certificates shall be filed by the clerk of the court and county clerk respectively, and shall be evidence of the election and qualifying of such officers. He shall perform such other duties as are incident to his office, or as may be required of him by the common council, or provided by the statute. He shall receive such compensation for his services as shall be fixed by the common council, or as may be agreed upon. The clerk shall

Duties of clerk.

have authority to administer oaths and affirmations. Whenever he shall be absent, or from any cause be unable to perform the duties of his office, the common council may appoint a clerk pro tem., who for the time being shall be vested with the powers and duties of the clerk.

Duty of supervisor.

SECTION 26. The supervisor shall represent his ward on the county board, and perform the duties required of him by law as a member thereof.

Duty of city attorney.

SECTION 27. The city attorney shall conduct the law business of the corporation, but the council may, when necessary, provide assistance or employ such counsel as it may deem expedient. He shall when required furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. He shall keep a docket of all the cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city and shall at all times be open to the inspection of the mayor, or any member or committee of the common council. It shall also be the duty of the city attorney when required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances and other instruments in writing, necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon for services rendered.

Settling of town business.

SECTION 28. The town business of the present town of Pine Valley up to the time of the taking of effect of this act, shall be settled by the town of Pine Valley as it now stands, and the amount of funds remaining, and the indebtedness of the town shall be apportioned between the town of Pine Valley and the city of Neillsville according to the amount of taxable property belonging to each, as taken from the assessment roll of the year of 1881, and the records of the present town of Pine Valley shall remain with the clerk of said town, and the city of Neillsville shall be entitled to take copies of said records, and such copies shall have the same effect when certified to by the clerk having the custody of the same as the original records would have; and the dockets of the justices of the peace now residing or holding these offices in said city shall deliver the same to the police justice at the expiration of their offices. The police

justice may make transcripts therefrom and issue executions and enforce judgments thereon the same as if such judgment was obtained in his court.

SECTION 29. From and after the taking effect of this act, the connection between the town of Pine Valley and that part of said town included within the city limits for all town purposes shall be dissolved. All that part of the town of Pine Valley not included within the city limits shall constitute the town of Pine Valley, and the first town meeting shall be held on the day now fixed by law at such place as the supervisors of said town may direct. Connection between town and village broken.

SECTION 30. The city shall own and be entitled to collect, and shall be liable for its portion of the moneys in the town treasury, and any claims or demands the town may have against any person, or the county of Clark, for money due or to become due, or other claims; and shall pay its portion of all indebtedness due, or claims contracted, or demand accruing, before the passage of this act, in proportion to the assessed valuation of the property in the territory comprising the city as appears from the assessment roll for 1881. City entitled to its portion of the moneys in treasury.

SECTION 31. This act shall be considered a public act, and shall be construed favorably in all courts and places. Public act.

SECTION 32. This act shall take effect and be in force from and after its passage and publication in the state paper, and all acts or of parts of acts conflicting or contravening the provisions of this act are hereby repealed. Repealed.

Approved March 29, 1882.

[No. 204, S.] [Published April 13, 1882.]

CHAPTER 272.

AN ACT to submit to the people an amendment of section 1 of article 3 of the constitution of this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Whereas, at the annual session of the legislature of this state for the year 1881 an amendment to the constitution of this state was proposed and agreed to by a majority of the members elected to each of the two houses, which amendment was in the following language: Resolved by the assembly, the senate concurring, that section 1 of article 3 of the constitution of this state, be amended by inserting after the word "elec- Amendment.

tion," where the same occurs in the third line of said section, the words, "and in the election district where he offers to vote, such time as may be prescribed by the legislature, not exceeding thirty days," and by adding at the end of said section the words, "and, provided further, that in incorporated cities and villages, the legislature may provide for the registration of electors, and prescribe proper rules and regulations therefor," so that said section when amended shall read as follows: Section 1. Every male person, of the age of twenty-one years or upwards belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote such time as may be prescribed by the legislature, not exceeding thirty days, shall be deemed a qualified elector at such election.

Who are entitled to vote.

1. Citizens of the United States.

Persons of foreign birth.

2. Persons of foreign birth, who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.

Indian blood.

3. Persons of Indian blood, who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

Civilized Indians.

4. Civilized persons, of Indian descent, not members of any tribe; provided, that the legislature may at any time extend, by law, the right of suffrage to persons not herein enumerated, but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election; and, provided further, that in incorporated cities and villages, the legislature may provide for the registration of electors, and prescribe proper rules and regulations therefor.

Whereas, The foregoing proposed amendment to the constitution of this state, was duly ratified and agreed to by the legislature of this state for the year 1882, by a majority of all members elected to each house, therefore:

When to be submitted.

SECTION 1. The foregoing proposed amendment to the constitution of this state, shall be submitted to the people at a general election to be held on Tuesday succeeding the first Monday of November, 1882, and if the people shall approve and ratify the said amendment by a majority of the electors voting thereon, said

amendment shall become a part of the constitution of this state.

SECTION 2. The form of the ballot in voting to approve and ratify said amendment shall be: "For the amendment to section 1 of article 3 of the constitution." And the form of the ballots against said amendment shall be: "Against the amendment to section 1 of article 3 of the constitution." They shall be on separate ballots, and said ballots shall be cast in separate boxes, to be provided for that purpose, and all persons qualified to vote at any election in this state shall be deemed voters on this question. Form of ballot.

SECTION 3. The votes cast for or against said amendment, shall be counted and returned by the inspectors of the election in all respects as votes for state officers are counted and returned, and the officers in counties now designated by law to canvass the returns of votes for state officers, shall canvass the returns in their respective counties on this question, and certify and return the result to the state canvassers at the same time and places, and under the same regulations and restrictions, now provided by law for canvassing and declaring the returns for elections of state officers, and the state canvassers shall canvass said returns, certified to them as provided by law in case of elections for state officers. Votes, how counted.

SECTION 4. Within three days after the determination of said canvass by the state canvassers, they shall certify the result thereof to the governor, who shall thereupon, without delay, make proclamation of the result. Determination of canvass.

SECTION 5. The secretary of state is hereby required to include the substance of this act in the notice of the general election for the year 1882. Election notice.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 223, S.] [Published April 12, 1882.]

CHAPTER 273.

AN ACT in relation to liens upon logs, lumber and timber.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In any action which has been or shall hereafter be commenced for the enforcement of a lien Liens upon logs, etc.

upon logs, timber or lumber, under any law of this state, any person not a party to such action may, at any time either before or after judgment, and before an actual sale of the property upon which a lien is claimed, become a party defendant to said action by filing with the clerk of the court where such action is pending, or with the justice of the peace in actions pending in justices' courts, an affidavit made by such person, or by some one in his behalf, to the effect that he is the owner of or of some interest in the property upon which a lien is claimed, and that he verily believes that said claim for lien is unjust and invalid, and upon filing such affidavit he shall have the right to defend said action so far as a claim for lien is concerned, and in case judgment has previously been rendered for a lien, he may appeal within twenty days after the filing of such affidavit as in other cases.

Appeals.

SECTION 2. If such party appeals from the judgment, such appeal shall not stay execution unless the appellant shall file an undertaking with two or more sufficient sureties, who shall each justify in a sum equal to double the amount of the judgment, to the effect that if plaintiff recover judgment for a lien upon such property, that they, such sureties, will pay the amount of such judgment with costs. Said undertaking shall be approved by the judge of the appellant court. Upon filing such undertaking all proceedings upon the judgment appealed from shall be stayed during the pendency of such appeal, and in case execution shall have been previously issued, the same shall, upon presenting to the officer in whose custody the same may be a certified copy of such affidavit and certificate of the justice or clerk of the court that an appeal has been perfected, be returned, and all property in which appellant shall claim an interest, that may have been levied upon, shall be released from such levy.

Trials in appellate court.

SECTION 3. If upon the trial in the appellate court the plaintiff shall recover judgment of lien upon such property, such judgment may be entered against the appellant and their sureties; if upon such trial the plaintiffs do not establish their right to a lien, the said appellants shall recover judgments for costs.

Appeal of judgment.

SECTION 4. When the judgment to be appealed from is one rendered in justice's court, and when by reason of the death of such justice, or his absence from the county, or any other cause, the said affidavit and undertaking cannot be presented to him, they may with notice of appeal and affidavit upon appealed, be

filed with the clerk of the court to which such appeal is taken, within the time aforesaid.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 175, S.] [Published April 13, 1882.]

CHAPTER 274.

AN ACT to amend chapter 257 of the laws of 1881, entitled "an act amendatory of sub chapter 6 of chapter 111, of the private and local laws of 1867, relating to the charter of the city of Hudson."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 257, of the laws of 1881, is hereby amended by inserting after the word "out," where the same occurs in the second line of said section the words "open, alter, vacate and discontinue," and by striking out the words, "as follows" where the same occur in the third line of said section. Amended.

SECTION 2. No public grounds, streets, alleys or highways within said city shall be vacated or discontinued by the common council, except as follows: Whenever ten or more freeholders residing in any ward shall by petition represent to the common council that it is necessary to vacate or discontinue any street, alley or highway, or any part thereof within the ward where said petitioners reside, which petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways, or part thereof proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of said city for four weeks, at least once in each week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the common council, or a committee appointed by them, on a certain day and place therein specified, not less than ten days from the expiration of such publication. The common council or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said mat- Vacating public grounds.

ter and shall hear the testimony and evidence on the part of the parties interested. The common council may thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, by resolution declare such public grounds, streets, alleys or highways, or any portion thereof vacated, which said resolution, after the same shall go into effect, shall be published as in case of ordinances, and thereupon a transcript of such resolution, duly certified by the city clerk, shall be filed with the clerk of the circuit court of the county of St. Croix.

Appeal.

SECTION 3. Any person aggrieved thereby may, within twenty days after the publication thereof, appeal to the circuit court of the county of St. Croix, under the same regulations and with the same effect as appeals are allowed in the case of opening streets and alleys, and as provided by section 15 of chapter 257 of the laws of the state of Wisconsin for the year 1881.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 55, S.] [Published April 10, 1882.]

CHAPTER 275.

AN ACT to establish a ferry across Lake St. Croix at Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Maintain a ferry.

SECTION 1. Patrick McGuire, his assigns, heirs, executors and administrators, shall have the exclusive right and privilege, for the term of ten years, from and after the passage of this act, of keeping and maintaining a ferry across Lake St. Croix, from the city of Hudson, in the state of Wisconsin, to Lakeland, in the county of Washington, state of Minnesota; and no ferry charter shall be granted during the said period within one mile below the city of Hudson and Lakeland, and below the railroad bridge over the Lake St. Croix. This grant, so far as it is exclusive, being, however, upon condition that the said McGuire shall, during said period, maintain and operate the said ferry so as to subserve the public interest and convenience as herein provided.

Ferry boats.

SECTION 2. There shall be kept for use upon the said ferry a good and sufficient boat or boats propelled by steam or otherwise for the use and accommodation of all persons wishing to cross said ferry, and said Pat-

rick McGuire, his heirs, executors, administrators and assigns, shall give prompt and ready attendance on passengers, teams and merchandise on all occasions, provided, that said boat or boats need not be run when serious injury would result thereto, by contact with ice or otherwise; and provided, further, that when crossing is demanded after eight o'clock at night, double the actual rates for ferrying may be charged; and provided further, that said corporation shall not be obliged to run its boat or boats before the hour of seven A. M. nor after the hour of eight P. M. of each week day, or before the hour of nine A. M., nor after the hour of six P. M. on Sunday; and provided further, that said Patrick McGuire, his associates or assigns shall forfeit and pay to every person or persons all damages which said person or persons may suffer by reason of the said Patrick McGuire and his associates or assigns failing, neglecting or refusing to give prompt and due attendance upon such person or persons desiring to cross upon said ferry, or for failing, neglecting or refusing to provide and keep a good and sufficient boat or boats for the safe and speedy crossing of passengers or property.

SECTION 3. The rates for crossing at the said ferry shall not exceed the following, viz: For each foot passenger, ten cents; for each horse, mare, gelding, mule or ass, with or without a rider, forty cents; for each two-horse or two-ox team, loaded or unloaded, with a driver, seventy-five cents; for each two-horse or two-ox team, with a driver and without a wagon fifty cents; for single horse and carriage, sixty cents; for each ox or cow fifteen cents; for each swine or sheep, five cents; all freight or merchandise or other articles, not with or in a wagon and teams, at the rate of ten cents per barrel and ten cents per hundred weight; lumber shall be ferried at the rate of fifty cents per thousand feet, when delivered on board said boat or boats; provided, that the city council of the city of Hudson shall have authority to reduce said rates whenever they shall deem proper. Rates for crossing.

SECTION 4. So much of any act or acts as contravene the provisions of this act is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 29, 1882.

[No. 38, S.] [Published April 12, 1882.]

CHAPTER 276.

AN ACT to authorize Henry M. Fuller, John H. Knight, William F. Vilas, John A. Humbird and William H. Phipps, their assigns and legal representatives, to construct and maintain a canal therein mentioned and to construct and maintain booms and other works in Bad river and the Kakagan and the Chequamegon Bay, in Ashland county, and to use or acquire certain lands in the state of Wisconsin necessary therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

canal.

SECTION 1. Henry M. Fuller, John H. Knight, William F. Vilas, John A. Humbird and William H. Phipps, their assigns and legal representatives, are hereby authorized and empowered to cut, maintain and operate a canal at such place as they shall deem necessary or convenient in township forty-eight north, of range three west, in Ashland county, to connect Bad river and White river, or either thereof, with the said Kakagan, of sufficient width and depth to run or float logs, timber and lumber from said rivers into said Kakagan, and to erect, construct, maintain and operate such boom or booms in said Bad river, in township forty-eight north, of ranges two and three west, in said county, and in the Kakagan, a slough or arm of the Chequamegan bay, in said township forty-eight north, of range three west, and in said Chequamegon bay, in said township, at such point or points, place or places as they shall deem necessary or convenient for the purpose of holding, storing, sorting, handling, rafting and delivering any and all logs, timber and lumber of every kind whatsoever that shall be run, driven or floated down said Bad river and White river and their tributaries, or either of said streams, and all logs, timber or lumber of any kind or character which shall in any manner come down said streams, or either of them.

Shall not obstruct river.

Provided, that said boom or booms shall not unreasonably impede or obstruct navigation in said Bad river. And said Henry M. Fuller, John H. Knight, William F. Vilas, John A. Humbird and William H. Phipps, their assigns and legal representatives, are hereby granted the right to use any and all of the lands necessary or convenient for the purposes aforesaid belonging to the state of Wisconsin, in said townships, or in which said state has any right, title or interest, to the extent of such right, title or interest, or they shall have the right to acquire the right, title and interest of the

said state in and to any lands bordering on said streams or on said bay in said townships, which may be necessary or convenient for the purposes aforesaid, by paying to the state treasurer for said lands, or for the right, title and interest which the state has in and to the same, at the rate of one dollar and twenty-five cents per acre therefor, and upon the said persons, their assigns and legal representatives, applying for any of said lands in the manner required by law for the purchase of offered swamp and overflowed lands, and paying to the state treasurer the price aforesaid, the commissioners of public lands shall convey to the persons aforesaid, their assigns and legal representatives, all the right, title and interest of said state in and to said lands.

Provided, that the provisions of this section shall only apply to swamp and overflowed lands, and to lands not valuable as timber lands, and the parties applying to purchase said lands shall furnish satisfactory evidence to said commissioners that the lands so applied for are such as they are entitled to purchase under the provisions hereof. Apply only to swamp and overflowed lands.

Provided, that the legislature hereby reserves the right to alter, amend or repeal the franchises granted in this act, whenever in the judgment of the legislature it is necessary or proper to do so.

SECTION 2. The parties named in the first section hereof may charge and collect fair and reasonable tolls and charges upon all logs, lumber and timber driven or floated through said canal, or held, sorted, handled, stored, rafted or delivered by them in or from any of said booms, and for such tolls and charges shall have the lien on the logs, timber or lumber for which the same are incurred, given by section 1777 of chapter 86 of the revised statutes and the acts amendatory thereof, and may enforce the same as provided by said section and its amendatory acts. Tolls.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 172, A.] [Published April 11, 1882.]

CHAPTER 277.

AN ACT to authorize Charles H. Moss, his heirs and assigns, to erect and maintain a dam and boom, and otherwise improve the Black river, in Taylor county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Charles H. Moss, his heirs and assigns, are hereby authorized to build, erect and maintain a Maintain a dam.

dam across Black river, in Taylor county, Wisconsin, on lands owned by the said Charles H. Moss and his heirs, in the northeast quarter (¼) of the southeast quarter (¼) of section twenty-seven (27), town thirty-two (32), range one (1) east, and the north half (½) of the southwest quarter (¼) of section twenty-six (26), town thirty-two (32), range one (1) east, of such height as may be necessary for the purpose of creating boomage and water power. Also to build and maintain a boom for the purpose of holding logs in and along the said Black river above said dam on lands owned by the said Charles H. Moss and his heirs; provided, he or they shall conform to all the conditions of chapters 70 and 146 of the revised statutes of 1878, so far as the same may be applicable.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 30, 1882.

[No. 216, S.] [Published April 13, 1882.]

CHAPTER 278.

AN ACT to authorize John A. Humbird, William F. Vilas, John H. Knight, William H. Phipps and Henry M. Fuller their assigns and legal representatives, to improve the navigation of Bad and White rivers and their tributaries, and Long Lake and Pike Lake, for log driving purposes, and to drive, boom and handle logs thereon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May take possession of certain rivers to make them navigable.

SECTION 1. John A. Humbird, William F. Vilas, John H. Knight, William H. Phipps and Henry M. Fuller, their assigns and legal representatives, are hereby authorized and empowered to take and hold exclusive possession of Bad river, White river, and the tributaries of said rivers, and Long Lake and Pike Lake, and any or either of them, in the counties of Ashland and Bayfield, for the purpose of rendering the same navigable or improving the navigation thereof for log driving purposes, and to that end they are hereby authorized and empowered to construct, maintain and operate in said rivers and their tributaries, and any or either thereof, and in said lakes, such dams, sluiceways, booms and other works of all kinds as may be in their judgment necessary or convenient for the accomplishment of said purpose, and they may clear any of said streams and straighten the channels thereof by closing sloughs, digging ditches, lowering or

improving falls, digging, maintaining and operating canals, removing obstructions of any and every kind, and by any other means or works which shall tend to render navigable or improve the navigability of any of said rivers or lakes, and the said parties may take, acquire and hold, by purchase, lease, license or otherwise, all lands which may be necessary for carrying out the purposes of this act. In case it shall be necessary to take, flow or injure lands and property in the construction of the works hereby authorized, the said parties shall be entitled to and possess all the rights, powers and privileges conferred by section 1777 of the revised statutes, and the acts amendatory thereof, upon corporations organized under said revised statutes for similar purposes.

May take possession of logs, timber, etc.

SECTION 2. The said parties, their assigns and legal representatives are hereby authorized to receive and take possession of all logs, timber, posts, poles and lumber coming down or driven into or placed for driving within the said rivers, lakes or either of them, or any of their tributaries at any point below any improvement made therein, and shall also, at the request of the owner or owners of such logs, posts, poles and lumber, or their agents take charge of the same and drive all such logs, timber, posts, poles and lumber down said river to its mouth, or to any works of improvement made in connection with said rivers for booming, assorting, storing or delivering the same, and at all times after receiving or taking possession thereof as aforesaid, shall be deemed to continue in and be entitled to the absolute, entire and exclusive possession of the same wherever the same may be, until all fees and tolls for the use of such improvements, and for driving, storing, assorting and delivering the same and costs, charges and preferred liens thereon are fully paid, and may be and are authorized to demand, receive, levy, sue for, recover and collect from the owner or owners of all such logs, timber, posts, poles and lumber, such reasonable fees, tolls, costs, charges and liens. And the same shall be and remain a lien upon all such logs, timber, posts, poles and lumber until fully paid and satisfied.

Reasonable fees.

SECTION 3. The said parties, their assigns and legal representatives are authorized and empowered to fix and charge reasonable fees and tolls for the use of their improvements upon said lakes, rivers and their tributaries, or either or any of them, and like fees, tolls, and charges for driving, booming, storing, assorting and delivering any and all logs, timber, posts, poles and

lumber which may be driven, boomed, stored, assorted or delivered by them, their agents or servants, and all such fees, tolls and charges shall be and remain a lien upon all such logs, timber, posts, poles and lumber until fully paid and satisfied, and may be collected as provided in the revised statutes for the enforcement of liens upon logs, timber and lumber.

Shall not impede navigation.

SECTION 4. None of the works of improvement of any sort authorized hereby to be put in said streams shall in any manner unreasonably or materially impede or hinder the free navigation of such streams; provided, the state reserves the right to repeal or amend this act and to revoke or modify the franchise hereby granted, whenever in the judgment of the legislature the public interest may so demand.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 10, A.] Published April 14, 1882.]

CHAPTER 279.

AN ACT to confer further jurisdiction upon the county judge of the county of Kewaunee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Conferring jurisdiction on county judge in Kewaunee.

SECTION 1. There is hereby conferred upon the county judge of Kewaunee county, the same and like civil and criminal jurisdiction as is or may by law be given to justices of the peace in said county; and the said county judge shall have full power and authority to issue all legal process within such jurisdiction and shall have and may exercise all the powers possessed by justices of the peace, under the laws of this state; and actions may be removed to or from the said judge in the same manner as provided by law for the removal of causes from and to justices of the peace; and all the proceedings in actions before him, shall be the same in all respects, and the parties thereto shall have the same right of trial and appeals as are had and is allowed in actions before the justices of the peace; and all statutes of the state now or which may hereafter be in force, conferring power upon or regulating proceedings before justices of the peace, shall be applicable to the said judge.

SECTION 2. That the said county judge, before performing any acts under and by virtue of the author-

ity hereby granted, shall qualify in the same manner as is by law required of justices of the peace, and shall be subject to the same liabilities, obligations and duties as are or may be by law imposed upon justices of the peace.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 226, A.] [Published April 14, 1882.]

CHAPTER 280.

AN ACT relating to the alteration of the boundaries of joint school districts, and to authorize appeals in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever an application in writing for an alteration in the boundaries of any joint school district, signed by not less than one-third of the lawful voters residing in the districts to be effected by the proposed alteration, shall be presented to the chairman of supervisors of the town in which the school house of such joint district may be situated, such chairman shall thereupon fix a time for the joint meeting of the town boards of the towns in which such joint school district may be situated, which time shall not be less than ten nor more than twenty days after the day of the presentation to him of such application. He shall also cause a notice of the time and place of such meeting to be given to each supervisor entitled to be present thereat, which notice shall be served at least five days prior to the date fixed for such meeting. Such meeting shall be held at the school house in such joint district unless some other convenient place shall be designated in the notice therefor. **Authorize appeals in certain cases.**

SECTION 2. If the chairman or supervisors to whom such application shall be presented, shall neglect or refuse to fix the time, or to give notice for the meeting of the town boards as provided in the first section of this act, or if the said supervisors or a majority thereof of any town in which a part of said joint district may be situated, shall neglect or refuse to be present at such meeting; or, being present, shall neglect or refuse to hear and decide upon such application, the application shall be deemed denied, and an appeal may be had therefrom in the same manner and with the like effect as in other cases of denial.

SECTION 3. The provisions of sections 418, 419, 422 and 497 of the revised statutes shall, so far as the same may be applicable, apply to proceedings under this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 479, A.] [Published April 18, 1882.]

CHAPTER 281.

AN ACT to provide for the exemption of insurance associations for benevolent and charitable purposes from the operation of the general laws relating to life insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relating to life insurance companies.

SECTION 1. All companies, societies, orders and associations, incorporated or organized under the laws of this state, and having their central office or headquarters within the state of Wisconsin, which are not stock companies and which issue life or accident policies, or contracts of insurance, solely to their members, and not for profit, but at the actual expense thereof, as a mutual, benevolent or charitable undertaking, and raise the funds for such insurance by a fixed assessment on each member when they are actually needed to fulfil the policies, may make application at any time to the commissioner of insurance to be exempted from the operation of the general laws of the state for the time being relating to life or accident insurance companies; and thereupon the commissioner of insurance may, in his discretion, issue a certificate or license to such company, society, order or association so applying, stating that it has been found to be an association of the kind or nature mentioned in this act, and that the commissioner, by virtue of his discretionary power under this act, has decided it to be properly entitled to the benefit of this act, and that until he shall revoke such license such company, society, order or association shall be exempted from the operation of the general laws for the time being relating to life and accident insurance companies; and thereupon, until such license or certificate is revoked, such association shall be deemed not to be a life or accident insurance company within the meaning of said general laws, and shall be exempt from the operation of their provisions. Such certificate of license shall be revokable at any

time in the discretion of the commissioner of insurance. He shall annually report the names of all organizations licensed or refused to be licensed, or whose licenses have been revoked under this act, with other facts of general interest upon the subject.

SECTION 2. Nothing in this act shall be construed to repeal chapter 204 of the laws of 1879, and the acts amendatory thereof, and the organizations therein named shall remain as heretofore exempt from the operation of the general laws relating to life insurance companies, without a license under this act. Not repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

No. 358, A.] [Published April 11, 1882.]

CHAPTER 282.

AN ACT to punish certain offenses against unmarried females under the age of sixteen years.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person, who by force, threats, promises, or by any other means or inducements, shall entice, enveigle, solicit, induce or take any unmarried female child of the age of sixteen years or under, from her father, mother, guardian or other person having the legal care or custody of any such female child, or from her home or other place of abode, wherever she may be, for the purpose of seduction, prostitution, or with intent to seduce, defile, deflower, or with the intent or for the purpose of entering or causing, inducing or procuring any such female child to enter any house of ill fame, assignation, or other place of prostitution, for any such purpose of prostitution, either temporarily or as an inmate of any such house or place, and any person who shall directly or indirectly cause, procure or knowingly permit the same to be done, or who shall in any way aid, abet or assist, either directly or indirectly, in any such enticing, soliciting, inveigling, taking or procuring any such female child to be taken or to leave her home or other place of abode for any of the purposes aforesaid, or who shall cause, procure, aid, assist, knowingly permit or abet in any manner, the seduction, defilement, deflowering, or the having of any illicit intercourse with any such female child by any person, either at the home or other place of abode of any such female child Offenses against chastity.

or elsewhere, shall be deemed guilty of felony and shall be punished by imprisonment in the state prison not more than ten years nor less than one year, or by fine not exceeding one thousand dollars in the discretion of the court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1882.

[No. 404, A.] [Published April 10, 1882.]

CHAPTER 283.

AN ACT to amend section 7 of chapter 233 of the laws of 1881, relating to the care of the chronic insane not otherwise provided for.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Care of chronic insane.

SECTION 1. Section 7 of chapter 233 of the laws of 1881 is hereby amended so as to read as follows: Section 7. Whenever a term of office shall expire or a vacancy shall hereafter occur in the board of trustees of any county asylum, such term of office or vacancy shall be filled by appointment of some resident citizen of the county in which such asylum is situated in the same manner and for the same length of time as is now provided in section 581 of chapter 32 of the revised statutes of 1878, in respect to trustees for the government of state hospitals for the insane.

SECTION 2. The state board of charities and reform shall officially visit county asylums referred to in section 1 of this act, and shall make such investigations into the management thereof as the governor may direct.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 29, 1882.

[No. 420, A.] [Published April 13, 1882.]

CHAPTER 284.

AN ACT to amend section 846 of the revised statutes as amended by section 1 of chapter 45 of the laws of 1881 in relation to town officers and declare valid the qualifications of justices of the peace.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Qualifications of justices of the peace.

SECTION 1. Section 846 of the revised statutes as amended by section 1 of chapter 45 of the laws of

1881, is hereby amended so as to read as follows: Section 846. Every justice of the peace elected for a full term shall, on or before the first Monday of May next succeeding his election, and every justice elected or appointed to fill a vacancy shall, within ten days thereafter, or after notice thereof if required to be given, take and subscribe the oath of office prescribed in section 809, before a competent officer, and file the same with the clerk of the circuit court; and shall also, within the same time, execute and file with said clerk a bond, with two or more sufficient sureties, to be approved by the chairman, or any two of the supervisors, substantially in the following form, viz:

A. B. chosen a justice of the peace in the town of ———, and C. D. and E. F., as his sureties, do hereby jointly and severally bind themselves and agree to pay on demand to the said town, and to each and every person who may be entitled thereto, all such sums of money as the said justice may become liable to pay on account of money which may come into his hands by virtue of his office.

Dated this ——— day of ———, 18—.

A. B.
C. D.
E. F.

Executed in the presence of, and sureties approved by, L. M., Chairman.

or

A. } Supervisors.
B. }

A copy thereof certified by the clerk of the circuit court shall be presumptive evidence of its execution by such justice and his sureties.

Qualification to be deemed legal.

SECTION 2. In any and all cases where a justice of the peace shall have qualified as such officer in the manner as was provided in said section 846 of the revised statutes before said section was amended by said section 1 of chapter 45 of the laws of 1881, such qualification shall be deemed taken and held a legal and sufficient qualification for and during the full term of office for which any such justice shall have been elected or appointed.

SECTION 3. All acts and parts of acts conflicting with any of the provisions of this act are hereby repealed.

SECTION 4. This act shall be in force and effect from and after its passage and publication.

Approved March 29, 1882.

[No. 230, A.] [Published April 7, 1882.]

CHAPTER 285.

AN ACT to amend section 4560 of the revised statutes as amended by chapter 218 of the laws of 1881, relating to the taking of fish in lakes, and to repeal chapter 351, session laws of 1865, and 171 of laws of 1874.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fish in lakes.

SECTION 1. Section 4560 of the revised statutes, as amended by said chapter 218 of the laws of 1881, is hereby amended by adding the words "bull heads" after the words "bill-fish," in the fourth line of said section, so that said section will read, when so amended, as follows: "Section 4560. Any person who shall catch or take from any inland lake or water course within this state any fish except mu lets, suckers, bill-fish, bull heads or dog fish by the use of any spear, net, seine, basket, grapple, trap or by any other device or means other than by hook and line, or angling, or who shall disturb or destroy their spawning beds, except the same be for the purpose of artificial propagation of fish, shall be punished by a fine not exceeding fifty dollars, and such spear, net, seine, grapple, trap or other device so unlawfully used, shall be forfeited to the state."

SECTION 2. Chapter 351 of the private and local laws of 1865, relating to setting of nets in Lake Koshkonong, is hereby repealed; also chapter 171 of the private and local laws of 1874, is also hereby repealed, relating to the same subject.

SECTION 3. All laws or parts of laws inconsistent with the foregoing sections of this act are hereby repealed.

SECTION 4. This act shall be in force and effect from and after its passage and publication.

Approved March 29, 1882.

[No. 187, S.] [Published April 10, 1882.]

CHAPTER 286.

AN ACT to authorize railroad corporations to insure certain property, and amendatory of chapter 87 of the revised statutes of 1878, entitled "of railroads."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Railroads.

SECTION 1. Every railway corporation shall have an insurable interest in all the property upon its route

for which it may be liable in damages for fires that are set out or caused by operating its said railway, and may procure insurance thereon in its own behalf.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 208, S.] [Published April 12, 1882.]

CHAPTER 287.

AN ACT to provide for the payment of fees for the recording of births and deaths.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees for recording births, deaths, etc.

SECTION 1. Every physician, surgeon or other professional person who shall comply with the provisions of sections 1023 and 1024 of the revised statutes shall receive for each certificate returned to the register of deeds and certified to as provided in said sections, the sum of fifteen cents, to be audited and paid out of the county treasury on an itemized account verified by his oath.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 227, S.] [Published April 7, 1882.]

CHAPTER 288.

AN ACT to amend section 299, chapter 20, revised statutes 1878 in relation to public printing.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Public printing.

SECTION 1. Section 299 of chapter 20 of the revised statutes of 1878 is hereby amended by adding to said section the following: Any materials furnished or work done under the provisions of this section, the price of which is not fixed in the foregoing schedule, the same may be procured by the secretary of state at rates not to exceed the regular trade prices for such work or material.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 47, A.] (Published April 12, 1882.)

CHAPTER 289.

AN ACT to provide for the payment of a sum of money therein named to Mrs. Margret Coleman, the widow of Charles G. Coleman, of Durand, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of two thousand dollars (2,000) to Mrs. Margret Coleman, the widow of Charles G. Coleman of Durand, Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 459, A.] [Published April 12, 1882.]

CHAPTER 290.

AN ACT to submit to the people an amendment to section 4, of article 6, section 12 of article 7, and section 1 of article 13, of the constitution of the state of Wisconsin, so as to provide for biennial general elections.

Biennial sessions.

Whereas, at the annual session of the legislature of this state for the year 1881, an amendment to the constitution of this state was proposed and agreed to by a majority of the members elected to each of the two houses thereof, which amendment was the following language:

Resolved.

Resolved by the assembly, the senate concurring, That section 4 of article 6 of the constitution of the state of Wisconsin, be so amended as to read as follows: Section 4. Sheriffs, coroners, registers of deeds, district attorneys, and all other county officers, except judicial officers, shall be chosen by the electors of the respective counties, once in every two years. Sheriffs shall hold no other office, and be ineligible for two years next succeeding the termination of their offices; they may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant, but the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer in this section mentioned, giving to such a copy of the charges against him and an opportunity of being heard in his defense. All vacancies shall be filled by appointment,

and the person appointed to fill a vacancy shall hold only for the unexpired portion of the term to which he shall be appointed and until his successor shall be elected and qualified. That section 12, article 7 of said constitution be so amended as to read as follows: Section 12. There shall be a clerk of the circuit court chosen in each county organized for judicial purposes by the qualified electors thereof, who shall hold his office for two years, subject to removal as shall be provided by law; in case of a vacancy, the judge of the circuit court shall have power to appoint a clerk until the vacancy shall be filled by an election; the clerk thus elected or appointed, shall give such security as the legislature may require. The supreme court shall appoint its own clerk, and a clerk of the circuit court may be appointed a clerk of the supreme court. That section 1, article 13, of said constitution, be so amended so as to read as follows: Section 1. The political year for the state of Wisconsin shall commence on the first Monday in January in each year, and the general elections shall be holden on the Tuesday next succeeding the first Monday in November. The first general election for all state and county officers, except judicial officers, after the adoption of this amendment, shall be holden in the year A. D. 1884, and thereafter the general election shall be held biennially. All state, county, or other officers, elected at the general election in the year 1881, and whose term of office would otherwise expire on the first Monday of January in the year 1884, shall hold and continue in such offices respectively, until the first Monday in January in the year 1885. And

Whereas, The foregoing proposed amendment to the constitution of the state of Wisconsin, was duly ratified and agreed to by the legislature of said state for the year 1882, by a majority of all the members elected to each house thereof, therefore

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The foregoing proposed amendments to the constitution of the state of Wisconsin shall be submitted to the people of this state, at a general election to be held on the Tuesday next succeeding the first Monday in November, 1882, and if the people shall approve and ratify the said amendments by a majority of the electors voting thereon, said amendments shall become a part of the constitution of this state.

Shall be submitted to the people.

Form

SECTION 2. The form of the ballot for voting to approve and ratify said amendments shall be:

For amendment to section 4, article 6, of the constitution.

For amendment to section 12, article 7, of the constitution.

For amendment to section 1, article 13, of the constitution.

And the form of the ballot against said amendments shall be:

Against amendment to section 4, article 6, of the constitution.

Against amendment to section 12, article 7, of the constitution.

Against amendment to section 1, article 13, of the constitution.

Said ballots shall be separate and apart from any other ballot, and shall be cast in separate boxes to be provided for that purpose; and all persons qualified to vote at any election in this state, shall be deemed voters on this question.

Canvass of votes.

SECTION 3. The votes cast for or against said amendments shall be counted and returned by the inspectors of the election in all respects as votes for state officers are counted and returned, and the officers in counties now designated by law to canvass the returns of votes for state officers, shall canvass the returns in their respective counties on this question, and certify and return the result to the state canvassers at the same time and places, and under the same regulations and restrictions, now provided by law for canvassing and declaring the returns for elections of state officers, and the state canvassers shall canvass said returns, certified to them as provided by law in case of elections for state officers.

Result to be certified.

SECTION 4. Within three days after the determination of said canvass by the state canvassers, they shall certify the result thereof to the governor, who shall thereupon without delay, make proclamation of the result.

Election notice.

SECTION 5. The secretary of state is hereby required to include the substance of this act in the notice of the general election for the year 1882.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 363, A.] [Published April 1, 1882.]

CHAPTER 291.

AN ACT to amend sections 3, 8 and 11 of chapter 188, general laws of 1879, entitled "an act to suppress vagabondage," and to sentence prisoners from certain counties to the house of correction, Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3 of chapter 188, laws of 1879, is hereby amended by adding to the same, at the end thereof, the following: "and shall be entitled to a fee of one dollar, and no more, for all services rendered by such magistrates in any case arising under the provisions of this act." So that said section when so amended shall read as follows: Section 3. Justices of the peace, police magistrates and county courts, having civil jurisdiction, shall have jurisdiction of all offenses arising under the preceding sections of this act, and shall be entitled to a fee of one dollar, and no more, for all services rendered by such magistrates in any case arising under the provisions of this act. **Fees.**

SECTION 2. Section 8 of chapter 188 of laws of 1879 is hereby amended by striking out, after the word "complaint," the remainder of said section, and insert in lieu thereof the following: And for making such arrest, returning such warrant, and for all other services rendered in any case arising under the provisions of section 7 of this act, except for board of prisoner, such officer shall be entitled to a fee of one dollar, and for each mile actually and necessarily traveled, five cents per mile. So that said section when so amended shall read as follows: Section 8. Any peace officer making any such arrest, under the provisions of this act, shall be empowered to return any warrant issued on such complaint, and for making such arrest, returning such warrant, and for all other services rendered in any case arising under the provisions of section 7 of this act, except for board of prisoners, such officer shall be entitled to a fee of one dollar, and for each mile actually and necessarily traveled, five cents per mile. **Fees.**

SECTION 3. From and after the passage and publication of this act, all sentences to imprisonment within county jails of Racine, Kenosha or Waukesha counties under the provisions of chapter 188, laws of 1879, or of this act may on direction of the court, making such sentence be executed at the house of cor- **Vagrants.**

rection, of Milwaukee county, and for this purpose the said house of correction is hereby declared to be a part of the county jail of each of said counties.

Where prisoner shall be conveyed.

SECTION 4. Any officer receiving the commitment of any prisoner upon a sentence to the county jail of either of said counties, shall convey such prisoner to the House of Correction, Milwaukee county, or the county jail, as directed, as soon as may be after such conviction and sentence shall have been had, and after delivering such prisoner to the inspector or keeper, together with a copy of the certificate of conviction of the court ordering such imprisonment, the inspector or keeper shall deliver to such officer a receipt, in which he shall acknowledge having received the prisoner, naming him, and the term of his imprisonment, which receipt the officer shall file in the office of the county clerk of the county where such conviction and sentence were had, and such officer shall be entitled to receive as fees five cents per mile, going and returning, and five cents per mile transportation for such prisoner, which shall be in lieu of all compensation in each case for such service.

Inspector to send bills to county clerks.

SECTION 5. The inspector of the house of correction, Milwaukee county, or some other officer authorized to represent said county, shall semi-annually, on the first day of May and November in each year, send to the county clerks of each of the aforesaid counties a bill for board and care of all prisoners held by him from each of said counties for the six months next preceding, naming each prisoner, the offense for which sentenced, the time when received and the time when discharged, died or escaped, as the case may be, and the amount chargeable to such county for each prisoner at the rate of two dollars and twenty-five cents per week for each prisoner, and the county board at their next ensuing meeting shall audit such account, and if found correct order it to be paid.

Not binding on Milwaukee county.

SECTION 6. The provisions of this act shall not be construed as binding upon Milwaukee county as to the use of its house of correction for the purposes herein named, except when the county board of Milwaukee county shall consent thereto.

SECTION 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 382, A.] [Published April 10, 1882.)

CHAPTER 292.

AN ACT to authorize James H. Weed, S. Bryant and Alfr Weed to erect, construct and maintain dams and other improvements in Springbrook, Langlade county, Wisconsin, for the purpose of facilitating the running, driving and floating of logs.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. James H. Weed, S. Bryant and Alfred Weed, their and each of their heirs, executors, administrators, or assigns, are hereby authorized and empowered to erect, construct and maintain a dam across Springbrook, Langlade county, Wisconsin, on the east half of the northeast quarter of section thirty-one (31) in township number thirty-one (31) north, of range number eleven (11) east, provided that said dam does not and shall not back the water further up the stream than to the bridge on which the north and south road going from Antigo to Wausau crosses said Springbrook; provided further, that said grantees shall comply with all the requirements of chapter 70 of the revised statutes of 1878, provided, that the legislature shall have power at any time to amend or repeal this act. Dams

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 434, A.] [Published April 14, 1882.]

CHAPTER 293.

AN ACT to provide for reconstructing, heating and ventilating University hall.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. To enable the regents of the University of Wisconsin to reconstruct the internal arrangement of "university hall," by utilizing the rotunda, and enlarging the recitation rooms; also to enable them to heat said building by steam, and to provide a thorough system of ventilation, there is hereby appropriated to said regents out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars. Re-arranging university hall.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1882.

[No. 478, A.] [Published April 15, 1882.]

CHAPTER 294.

AN ACT to appropriate to the state agricultural society a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to the state agricultural society the sum of two thousand dollars out of any money in the general fund not otherwise appropriated; provided, that their next annual exhibition shall not be held at the same time of the next annual exhibition of the northern agricultural and mechanical society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 93, A.] [Published April 11, 1882.]

CHAPTER 295.

AN ACT to lay out and establish a state road from the village of Medford, in the county of Taylor, to Cadott Falls, in the county of Chippewa.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State road.

SECTION 1. Thomas McDermot, Benjamin F. Milliard and Thomas McCort are hereby appointed commissioners with full power and authority to survey, lay out and establish a state road from the village of Medford, in the county of Taylor, to Cadott Falls, in the county of Chippewa, by way of the Miller dam and on the right bank or north side of the Yellow river, from said dam to Cadott Falls.

Map.

SECTION 2. After said commissioners shall have laid out said road, or such portion as in their opinion the public good may require, but to extend into both of said counties in any event, they shall make out a correct map or plat of survey of the same and file it in the office of ths county clerk in the different counties in which the same may be located.

Award damages.

SECTION 3. Said commissioners shall have full power to award damages and settle with parties who may feel aggrieved or sustain damage by the laying out or establishing of said road. All claims for damage shall be made within one year from the time said commissioners shall have filed the plat or survey of the road in the offices of the county clerks, as required

by section 2 of this act, and all damages so awarded shall be paid by the towns in which the lands are located which are damaged thereby.

SECTION 4. Upon the filing of the survey of said road in the office of the county clerks of the counties as above required, said road shall become a public highway, and the said commissioners shall have full power to order it opened and obstructions removed therefrom in the same way and to the same extent that the supervisors of towns have to open highways and remove obstructions therefrom in their respective towns. Public highway.

SECTION 5. In case there is a vacancy in the number of said commissioners, or in case either refuses to act, the remaining commissioners may fill the vacancy by appointment. Filling vacancies.

SECTION 6. Said commissioners shall receive for each day actually employed three dollars each. They shall be entitled to employ one surveyor at a cost of not exceeding five dollars per day, and three assistants at a cost of not exceeding two dollars for each per day. All of said costs and charges to be paid from the treasuries of the counties in proportion to the distance of the road in each county. Compensation.

SECTION 7. Said roads shall be worked and kept in repair by the town in which it may be located as in case of other highways.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 120, A.] [Published April 11, 1882.]

CHAPTER 296.

AN ACT to punish the mutilation, alteration and destruction of public records.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person who shall feloniously, wilfully and maliciously, with intent to injure or defraud any person or private, public or municipal corporation or the public or to gain an unlawful advantage for any one, alter, mutilate or destroy any records, files or papers of any court, or any records, files or papers whatever shall be punished by imprisonment in the state prison not exceeding two years, or by fine not Destroying public records.

exceeding one thousand dollars or by both fine and imprisonment.

SECTION 2. This act shall take effect and be force from and after its passage and publication.

Approved March 30, 1882.

[No. 484, A.] [Published April 8, 1882.]

CHAPTER 297.

AN ACT to authorize C. M. Wells, J. W. Ostrander, and D. Ostrander, their heirs and assigns, to maintain a dam across the Little Wolf River in Waupaca county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Dam.

SECTION 1. C. M. Wells, J. W. Ostrander and D. Ostrander, their heirs and assigns, are hereby authorized to maintain the dam across the Little Wolf river, on the southwest quarter of the southwest quarter of section number eight (8), in township number twenty-two (22) north, of range number fourteen (14) east, in the county of Waupaca.

SECTION 2. The said C. M. Wells, J. W. Ostrander and D. Ostrander, their heirs and assigns, shall maintain a suitable slide in said dam for the convenience of running lumber, logs, timber and other materials over the same, and shall keep the same in repair, and shall be kept open at all times when the river is in a running stage. The said slides shall not be less than eighteen feet wide, and of sufficient depth to run rafts drawing twenty-four inches of water in an ordinary running stage, and the floodgate shall be open at all times when necessary for the purpose of flooding lumber, logs, timber or other materials below the same.

Fees for use of dam.

SECTION 3. When the said C. M. Wells, J. W. Ostrander and D. Ostrander, their heirs or assigns, shall have properly repaired said dam and slide, they are hereby authorized and empowered to receive and collect from the owner or owners of logs, timber or lumber passing through or over said dam or gates, as compensation for keeping the slide in repair, the sum of two cents for each one thousand feet of logs, timber or lumber, and also the sum of fifteen cents for each one hundred railroad ties and five cents for each one hundred fence posts that shall pass through or over said dam, to be scaled or estimated, and settled for at the time or as soon as said drive has passed over said dam, or if the parties so agree, to be scaled and set-

tled for whenever the drive is run into the boom of the Wolf River Boom Company. All logs, timber, railroad ties, fence posts or other material which shall pass over or through said dam, and which shall not be settled for at the time of passing, and shall not pass through the boom of the Wolf River Boom Company, shall be counted by the owners of said dam or by some person chosen by the mutual agreement of both parties interested, and toll collected at the rate of two fifths of one cent for each log or piece of timber thus ascertained, and the said charges or toll shall in all cases remain and be a lien on said logs, lumber, timber, ties, posts and other material, until the same shall be paid, and said lien shall take precedence of all subsequent liens or claims, provided the legislature reserves the right to repeal or amend this act, whenever in its judgment the public interest shall so demand.

SECTION 4. Chapter 503 of the private and local laws of 1867, and chapter 269 of the laws of 1875 are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 188, A.] [Published April 7, 1882.]

CHAPTER 298.

AN ACT to amend chapter 121 laws of 1879, respecting the attendance of children at school and records thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2 of chapter 121, laws of 1879, is hereby repealed, and the following is substituted therefor: Section 2. The school district board or the board of education, after having given notice, as now required by law, for special school meetings, shall meet in the school house in their respective districts, or at some other place to be designated in such notice, on the first Monday of September in each year, or within fifteen days thereafter, for the purpose of hearing causes for the non attendance upon the public school of all children in such districts between the ages of seven and fifteen years. And all parents, guardians or other persons having charge of such children, shall appear and show cause for such non-attendance; and if such parent, guardian or other person shall claim exemption from the provisions of this act on the ground

Attendance of school children at school.

that his child or ward has attended some other school than the public school of such district, he shall file with the clerk a written statement, showing what school such child or ward attended, and the number of days of such attendance within the year ending on the thirty-first day of August next preceding, and the district clerk, at such meeting, shall make a list of all children residing in the district who have not attended the public school for the time required by this chapter, and shall note, opposite the name of each, whether such child is exempt from the provisions of this chapter, and if exempt, the cause for such exemption.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 438, A.] [Published April 7, 1882.]

CHAPTER 299.

AN ACT to appropriate a sum of money therein named to pay for chaplain services in the legislature for the year 1882.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Chaplain services.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated the sum of fifteen dollars for each and every clergyman officiating as chaplain for the legislature of 1882, providing, this act shall not apply to any except clergymen residing in the city of Madison, and providing said chaplain has performed such services one week.

SECTION 2. The chief clerks of the senate and assembly shall certify to the secretary of state the names of the several clergymen who have officiated as chaplain during the session of 1882, as provided in section 1 of this act, whereupon the secretary of state shall issue his warrant in equal sums, to the several persons who have officiated as chaplains.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 418, A.] [Published April 7, 1882.]

CHAPTER 300.

AN ACT to authorize the county of Adams to grant certain lands and other property to aid in the construction of railroads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county of Adams by its board of supervisors, is hereby authorized to subscribe to the capital stock and to aid in the building and construction of any railroad running into or through said county, and for that purpose may sell, grant and convey to the individual, company or corporation building and constructing, or that shall build and construct such railroad, any or all of the lands and tax certificates owned by said county, upon such terms; conditions and covenants, as shall be agreed to by said supervisors. The authority and powers hereby granted to said board of supervisors may be exercised at any regular meeting or at any special meeting of said board duly called for that purpose. Nothing contained in this section shall be held to affect or abridge any authority conferred by any other law of this state upon said county, to aid in the construction of railroads. Construct.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 247, A.] [Published April 7, 1882.]

CHAPTER 301.

AN ACT relating to the Wisconsin National Guard, and amendatory of section 635 of revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 635 of revised statutes, as amended by section 5 of chapter 185 of laws of 1880, is hereby amended so as to read as follows: Section 635. Each company or battery, not exceeding thirty-five in all, which shall upon such inspection be found to be organized; to possess at least the minimum number of members; to be well uniformed; to be equipped with the necessary arms and accoutrements for its members; to have a suitable armory; to have its arms, accoutrements and stores in good condition, and to have assembled for inspection as provided Wisconsin National Guard.

by law, and the commanders of which shall have made all the musters and returns required, shall, upon the certificate thereof by the adjutant general, approved by the governor, be annually paid out of the state treasury three hundred dollars, on the receipts of its commander, which shall be in full compensation on the part of the state for all pay, when not called into active service, and for rent of armory, care and repair of arms and property, and for all other expenses whatsoever, except the allowance of clothing and subsistence allowance authorized by section 1623, revised statutes, as amended by chapter 185, laws of 1880. Whenever any of the companies constituting the Wisconsin National Guard shall lapse into ill condition, become lax in discipline, negligent in instruction, drill or other duties, or its members lose interest in their organization, the governor may retire such company from such guard, and admit in place of it some other company of later organization, which shall be found to be better entitled to the benefits of this statute, and to have complied with all of the requirements thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 157, A.] [Published April, 7, 1882.]

CHAPTER 302.

AN ACT to amend section 331, chapter 20 of the revised statutes, entitled "public printing."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Publication of copy laws.

SECTION 1. Section 331 of the revised statutes is hereby amended so as to read as follows: Section 1. All publishers of weekly newspapers printed in whole or in part, in a printing office at the place where such newspaper purports to be published, or if not so printed, that have been established and regularly published for five years, prior to the date of the approval of this act, having a bona fide circulation to actual subscribers of not less than two hundred copies each week, and which shall have been regularly published for two months prior to the opening of each session of the legislature, who shall publish in their respective newspapers all of the acts of general interest passed at any session of the legislature, which shall be designated by the secretary of state in the official state pa-

per as "copy laws," shall be allowed sixty dollars for such publication, upon filing with the secretary of state satisfactory proof, by affidavit, that such laws have been published as provided in this section, which amount shall be paid out of the general fund of the state treasury.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 292, A.] [Published April 7, 1882.]

CHAPTER 303.

AN ACT to provide for life certificates for teachers in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Life certificates.

SECTION 1. Whenever any teacher of a public school in this state shall have successfully taught in the state for the term of twenty-one years, and shall hold at the expiration of such term of service a county certificate in force of the first or second grade, or a limited state certificate, such teacher may present the certificate thus held and in force to the state superintendent for the purpose of having the same countersigned and made a life certificate as hereinafter provided.

State superintendent may grant certificates.

SECTION 2. Upon presentation to him of any certificate, as provided in section 1 of this act, accompanied by such evidence as he may require as to moral character, and of the completion of the term of service hereinbefore mentioned, the state superintendent may attach his signature thereto, with the statement that the person therein named has furnished him with satisfactory evidence of good moral character, and of having taught successfully for the period of twenty-one years. And thereupon and thereafter such certificate so held and countersigned shall have the force and effect of a life certificate, and entitle the person holding the same to teach in any of the public schools of the state during the life of the person named in such certificate, unless the same shall be annulled for cause by the state superintendent in the manner provided by law for annulling or revoking state certificates.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 209, A.] [Published April 13, 1882.]

CHAPTER 304.

AN ACT to provide for the payment of a sum of money therein named to Mrs. Ellen M. Baker, wife of Joseph H. Baker, and Frances Baker, George Baker, Walter Baker, Blanche Baker and Joseph Baker, infant children of Joseph H. Baker, of Portage county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand eight hundred dollars ($1,800) to Mrs. Ellen M. Baker, wife of Joseph H. Baker, and Frances Baker, George Baker, Walter Baker, Blanche Baker and Joseph Baker, infant children of Joseph H. Baker, of Portage county, Wisconsin.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 30, 1882.

[No. 151, A.] [Published April 14, 1882.]

CHAPTER 305.

AN ACT to appropriate a sum therein named to the Wisconsin Industrial School for Girls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation. SECTION 1. The sum of fifteen thousand dollars is hereby appropriated to the Wisconsin Industrial School for Girls, for the erection, construction and furnishing of an additional building upon the land owned by the state of Wisconsin, and occupied by said school, at North Point, in the city of Milwaukee; provided, however, that the appropriation is upon condition that the plans and specifications for said building be submitted to the governor and attorney-general, and they approve the same.

SECTION 2. A correct account shall be kept of the expenditure of said sum, and the same shall be reported to the governor and legislature in the annual report or reports of said school.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 207, A.] [Published April 13, 1882.]

CHAPTER 306.

AN ACT to amend section 670 of the revised statutes, relating to special powers of the county board.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 670 of the revised statutes is hereby amended by adding thereto subdivisions 13, which shall read as follows, to-wit: 13. To appropriate a sum of money, not to exceed ten thousand dollars, for the erection and construction of a suitable monument to the memory of the deceased soldiers; provided, no appropriation for said purpose shall be made unless the question whether a tax for the same may be levied and collected is submitted to and agreed to by the voters of the county in the same manner as is provided for towns, cities and villages, in section 937 of chapter 41 of the revised statutes. May erect monument to soldiers.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 286, A.] [Published April 10, 1882.]

CHAPTER 307.

AN ACT to amend section 3189 of the revised statutes of 1878, providing for the appointment of a referee in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3189 of the revised statutes of 1878 is hereby amended by adding thereto the following: "And in all cases where a referee has been appointed in and by such judgment to make such sale, and such referee shall die, remove from the state or become otherwise incapacitated to act before making such sale, the court rendering such judgment may, upon petition of any party to the action interested to have such sale made, showing that such referee is dead, absent or otherwise incapacitated, appoint some other suitable person as referee to make such sale and carry out any other provisions of such judgment. Appointment of referee.

SECTION 2. The provisions of this act shall apply to all judgments heretofore rendered as well as to those which may hereafter be rendered.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 298, A.] [Published April 11, 1882.]

CHAPTER 308.

AN ACT to amend the charter of the city of Milwaukee being chapter 184 of the laws of 1874, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In regard to payment for work done on streets.

SECTION 1. Section 10 of sub-chapter 7 of said chapter 184 of the laws of 1874 is hereby so amended as to read as follows, to-wit: Section 10. Thereupon, as soon as the common council shall have confirmed such assessments of benefits and damages, the said board shall enter into contract for the doing of the same, as hereinbefore provided. Such contract shall require the contractor to receive certificates upon or against the several lots, parts of lots, or parcels of land, which may be assessed with benefits on account of the same, to apply in payment of the contract price, as now provided by law; provided, that in any case where the contract price of the work to the center of the street or alley, done opposite to any lot or parcel of ground, shall exceed the benefits assessed to such lot, the excess shall be paid out of the ward fund of the ward in which such lot, part of lot or parcel of land shall be situated.

Contractor shall receive a certificate stating amount of work done.

SECTION 2. Section 13 of sub-chapter 7 of said chapter 184 of the laws of 1874 is hereby amended so as to read as follows: "Section 13. After the completion and performance of any contract entered into by the board of public works for work chargeable to the lots or lands fronting thereon, or to other lots upon which assessments or benefits have been made therefor by virtue of this act, they shall give to the contractor or contractors a certificate signed by the board or the president thereof, and countersigned by the comptroller, stating the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable. It shall be the duty of the comptroller to keep a register of all certificates issued by the board of public works against lots, and countersigned by him, which said certificates may be paid by the owner or owners of such lots, at any time before the sale of such lots for the non payment of taxes, to the city treasurer, who shall receive the amounts paid on such certificates and hold the same for the benefit of the owners of such certificates, and such owners shall be entitled thereto on producing and surrendering such certificates to be canceled.

And if the amount thereof shall not be paid before the time of making out the annual tax list, the same shall be assessed upon said lots or parcels of land respectively, and collected for the use and benefit of the holders of such certificates, as other taxes on real estate are collected, as provided by law; and no informality or error in the proceedings, not going to the ground work of the tax, shall vitiate such assessment. All certificates issued under and in pursuance of any of the provisions of this chapter, shall be liens upon the lots or parcels of land against which the same shall respectively be chargeable, from and after the time when such certificates shall be countersigned and registered by the city comptroller. Such certificates shall draw interest at the rate of 25 per cent. per annum upon the amounts named in the same, from the time when such lots or lands shall be sold by the city treasurer, as required by law, for and on account of such certificate liens; and may be transferred by the person or persons to whom the same may be issued, by the endorsement of his or their names thereon; and such transfer shall in no way affect or impair the lien given by this act, but shall transfer to the assignee all the rights of the assignor."

Appointment of chief of police.

SECTION 3. Section 2 of sub-chapter 15 of said chapter 184 of the laws of 1874 is hereby so amended as to read as follows, to-wit: Section 2. The chief of police shall be appointed by the mayor subject to the approval of the common council, on the third Tuesday in April, A. D. 1882, and biennially thereafter, and may be removed by the mayor, with the approval of the common council. The chief of police shall nominate, and subject to the written approval of the mayor, appoint all other members of the police force, who shall hold office during the pleasure of such chief of police; and all appointments in the police shall be reported to the common council from time to time as changes are made, and also annually.

Regulating qualifications, etc., of police force.

SECTION 4. The common council may make regulations relative to the appointment, qualifications, government and duties of the members of the police force, and may provide thereby that all protrolmen shall be first appointed upon trial or probation; but such regulations shall not conflict with the provisions of the next preceding section.

May serve and return process.

SECTION 5. The officers and members of the police force shall have authority to serve and return process returnable in any court in the county of Milwaukee,

in cases in which the city of Milwaukee or the state of Wisconsin is plaintiff or prosecutor, with the same force and effect as the same may be done by the sheriff of said county or his deputies.

Sale of contraband articles.

SECTION 6. Authority is hereby given to the common council of said city to provide by ordinance for the sale or other disposition of weapons and other contraband articles taken from persons under arrest that are now or hereafter may be in possession of the chief of police, and also of all articles of personal property, of whatever nature which now or hereafter may be in the custody of the chief of police and not claimed by the owners thereof and the proceeds of all sales of contraband or unclaimed property seized by the police, all moneys received by the chief of police as donations or presents to the police department, and all witness and interpreter's fees which shall or may be collected from parties accused or convicted of offences against the laws or the ordinances of the city on account of the services of policemen as witnesses or interpreters in any court in said county, and also all sums of money that may be paid to any member of the police force for rewards offered for special services and earned by any member of the police force, after the deduction therefrom of necessary and proper expenses actually incurred and paid in the performance of such service shall be paid into the city treasury of the city of Milwaukee and shall constitute a fund to be called the "policemen's relief fund" and the persons who shall from time to time fill the offices of mayor, chief of police and first lieutenant of police of said city are hereby declared to be the trustees of such fund.

Policemen's relief fund.

SECTION 7. The officers and members of the police force of said city shall suffer a deduction of one-half of one per cent. of their respective salaries as often as paid to them, and the treasurer of said city shall pay into the policemen's relief fund monthly the money so deducted.

Aid during sickness.

SECTION 8. Whenever any officer or member of the police force of the city of Milwaukee, while a member thereof in good standing, shall become sick and disabled, he shall be entitled to receive during the time his sickness or disability continues such relief out of said fund as may be fixed upon in the rules and regulations to be adopted as hereinafter provided. And in case of the death of any officer or member of said police force, his surviving widow or next of kin shall also be entitled to receive such relief as may be provided in and by such rules and regulations.

SECTION 9. Said trustees of said "Policeman's Relief Fund" shall make and adopt such rules and regulations for the purpose of giving effect to and carrying out the provisions and object of this act, as may be deemed necessary and expedient, not inconsistent with this act, and may amend the same. They shall have the exclusive control of the expenditures of all moneys belonging to said policemen's relief fund, subject to said rules and regulations, and shall make an annual report to the common council. Rules and regulations.

SECTION 10. Said policeman's relief fund shall be kept separate and apart from other moneys of said city and shall be drawn out upon the order of said trustees, or a majority of them, countersigned by the chief of police. Fund to be kept separate.

SECTION 11. Any officer or member of the said police force who shall be discharged for any cause or reason, other than neglect of duty, shall receive, upon his discharge, the amount which may have been deducted from him for the purposes herein named, less such sum or sums as may have been received by him from said policemen's relief fund. Members discharged for cause to receive amount due them.

SECTION 12. Section 2 of sub-chapter 17 of chapter 184 of the laws of 1874 is hereby amended so as to read as follows: Section 2. The common council of the said city shall have power to levy annually for the general city fund, exclusive of the amounts required for the support of schools, and for the payment of interest and principal on the funded debt of the city, and other special funds authorized by law a sum not exceeding six mills on the dollar of the total assessed valuation of all property, real and personal, in said city, subject to taxation; also for contingent fund, a sum not exceeding one-half of one mill on the dollar of such assessed valuation; also for a fund for ward purposes in each ward, a further sum not exceeding six mills upon the dollar of the total assessed valuation of all property, real and personal, in such ward, subject to taxation; also for a sewerage fund in each sewerage district, a sum not exceeding one and one-half mills upon the dollar of the total assessed valuation of all property, real and personal, in such sewerage district, subject to taxation; also for a special sewerage fund for said city, a sum not exceeding one mill upon the dollar of the total assessed valuation of property, real and personal, in said city, subject to taxation. Provided, that the percentage which shall be levied in each ward for ward purposes shall in no case exceed the amount estimated and required by the Power to levy taxes for funds.

in cases in which the city of Milwaukee or the state of Wisconsin is plaintiff or prosecutor, with the same force and effect as the same may be done by the sheriff of said county or his deputies.

Sale of contraband articles.

SECTION 6. Authority is hereby given to the common council of said city to provide by ordinance for the sale or other disposition of weapons and other contraband articles taken from persons under arrest that are now or hereafter may be in possession of the chief of police, and also of all articles of personal property, of whatever nature which now or hereafter may be in the custody of the chief of police and not claimed by the owners thereof and the proceeds of all sales of contraband or unclaimed property seized by the police, all moneys received by the chief of police as donations or presents to the police department, and all witness and interpreter's fees which shall or may be collected from parties accused or convicted of offences against the laws or the ordinances of the city on account of the services of policemen as witnesses or interpreters in any court in said county, and also all sums of money that may be paid to any member of the police force for rewards offered for special services and earned by any member of the police force, after the deduction therefrom of necessary and proper expenses actually incurred and paid in the performance of such service shall be paid into the city treasury of the city of Milwaukee and shall constitute a fund to be called the "policemen's relief fund" and the persons who shall from time to time fill the offices of mayor, chief of police and first lieutenant of police of said city are hereby declared to be the trustees of such fund.

Policemen's relief fund.

SECTION 7. The officers and members of the police force of said city shall suffer a deduction of one-half of one per cent. of their respective salaries as often as paid to them, and the treasurer of said city shall pay into the policemen's relief fund monthly the money so deducted.

Aid during sickness.

SECTION 8. Whenever any officer or member of the police force of the city of Milwaukee, while a member thereof in good standing, shall become sick and disabled, he shall be entitled to receive during the time his sickness or disability continues such relief out of said fund as may be fixed upon in the rules and regulations to be adopted as hereinafter provided. And in case of the death of any officer or member of said police force, his surviving widow or next of kin shall also be entitled to receive such relief as may be provided in and by such rules and regulations.

SECTION 9. Said trustees of said "Policeman's Relief Fund" shall make and adopt such rules and regulations for the purpose of giving effect to and carrying out the provisions and object of this act, as may be deemed necessary and expedient, not inconsistent with this act, and may amend the same. They shall have the exclusive control of the expenditures of all moneys belonging to said policemen's relief fund, subject to said rules and regulations, and shall make an annual report to the common council. Rules and regulations.

SECTION 10. Said policeman's relief fund shall be kept separate and apart from other moneys of said city and shall be drawn out upon the order of said trustees, or a majority of them, countersigned by the chief of police. Fund to be kept separate.

SECTION 11. Any officer or member of the said police force who shall be discharged for any cause or reason, other than neglect of duty, shall receive, upon his discharge, the amount which may have been deducted from him for the purposes herein named, less such sum or sums as may have been received by him from said policemen's relief fund. Members discharged for cause to receive amount due them.

SECTION 12. Section 2 of sub-chapter 17 of chapter 184 of the laws of 1874 is hereby amended so as to read as follows: Section 2. The common council of the said city shall have power to levy annually for the general city fund, exclusive of the amounts required for the support of schools, and for the payment of interest and principal on the funded debt of the city, and other special funds authorized by law a sum not exceeding six mills on the dollar of the total assessed valuation of all property, real and personal, in said city, subject to taxation; also for contingent fund, a sum not exceeding one-half of one mill on the dollar of such assessed valuation; also for a fund for ward purposes in each ward, a further sum not exceeding six mills upon the dollar of the total assessed valuation of all property, real and personal, in such ward, subject to taxation; also for a sewerage fund in each sewerage district, a sum not exceeding one and one-half mills upon the dollar of the total assessed valuation of all property, real and personal, in such sewerage district, subject to taxation; also for a special sewerage fund for said city, a sum not exceeding one mill upon the dollar of the total assessed valuation of property, real and personal, in said city, subject to taxation. Provided, that the percentage which shall be levied in each ward for ward purposes shall in no case exceed the amount estimated and required by the Power to levy taxes for funds.

comptroller and the board of public works; and, provided further, that the aggregate amount of general taxes for all purposes levied by the common council and collected upon the city tax roll for municipal purposes under this section, and inclusive of taxes for the support of schools and the public library, and for the payment of principal and interest of the funded debt of the city, shall not, in the whole, in and for one year, exceed seventeen and one-half mills on the dollar of the total aggregate valuation of property, real and personal, in said city, subject to taxation.

SECTION 13. Chapter 302 of the laws of 1881 is hereby repealed.

SECTION 14. This act shall take effect and be in force from and after its passage and publication, with the exception of section 3 thereof, which shall take effect and be in force on and after the third Tuesday in April, 1882.

Approved March 30, 1882.

[No 268, A.] [Published April 18, 1882.]

CHAPTER 309.

AN ACT to amend chapter 275 of the private and local laws of 1870, entitled "an act to incorporate the city of Manitowoc."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3 of chapter 359 of private and local laws of 1871, entitled "an act to amend chapter 275 of the private and local laws of 1870, entitled 'an act to incorporate the city of Manitowoc,' is hereby amended so as to read as follows:

CHAPTER X.

PUBLIC GROUNDS, STREETS, SIDEWALKS AND DOCKS.

Improvements of public parks and grounds.

SECTION 1. The board of aldermen shall have full power to order the parks and public grounds in said city to be improved and beautified by the building of walks across or upon the same, by building or repairing fences or sidewalks around such parks or any part thereof, or by planting or cultivating trees, shrubbery, flowers or plants upon such ground or along the sidewalks around the same; provided, however, that the costs of making such improvements or keeping them in repair shall be paid by the special funds of the wards on the side of the river where said parks and public grounds may be situated.

SECTION 2. The board of aldermen of the city of Manitowoc shall have power to lay out and open such streets or avenues as may be necessary to connect any street in the city of Manitowoc with public highways in the town of Manitowoc or the town of Manitowoc Rapids; provided, that no private property shall be taken without the consent of the owner thereof; but in case such consent cannot be obtained a jury of six disinterested property owners residing in the county of Manitowoc may, on application of the board of alderdermen, be appointed by the county judge of the county of Manitowoc, who is hereby authorized and empowered to appoint such jury; and if such jury shall decide that it is necessary to take such lands for the purpose herein specified, they shall also fix the price and consideration to be paid for such lands, and report their action to the said county judge; and such report, if approved by said county judge, shall be recorded, and a certified copy thereof shall be filed in the office of the city clerk. Such certified copy shall be prima facie evidence of the legality of such proceedings, and the board of aldermen shall then be authorized and empowered to take such lands for the uses herein specified, paying for the same the price fixed and decided upon by said jury. Such connecting streets may be laid out within the city of Manitowoc or within the town of Manitowoc Rapids, and the costs of surveying, laying out, opening, grading or otherwise improving (except planking or paving and building of sidewalks) such streets, of keeping them in repair, and of buying the grounds and property necessary to lay out such streets, shall be paid from the special funds of the several wards on such sides of the Manitowoc river on which such streets shall have been laid out, opened, improved or repaired.

Shall have power to open and lay out streets.

SECTION 3. The board of aldermen shall have power to vacate any street or alley or any block or part of a block in said city, upon a written petition signed by twenty or more resident freeholders of the ward in which such streets, alley or block is situated; provided, that two-thirds of the aldermen elect shall be required to vote in favor of any such application before it shall be granted. Whenever, by deed or re-survey, any two or more lots in any block have been sub-divided so as to change the front of said lots from one street to another street, said lots shall have been deemed re surveyed and re-platted, and shall be taxed for the purpose of improving streets and sidewalks on

Shall have power to vacate streets and alleys.

such streets on which they abut after sub-division, but lots so sub-divided shall be at least one hundred feet long.

Expenses to be paid out of general fund of city.

SECTION 4. The costs and expenses of surveying the streets and alleys of said city and of building bridges across the Manitowoc river and over creeks and ravines, the banks of which are so high or far apart that the intervening space cannot be filled for a sum not exceeding fifty dollars, and of repairing, cleaning and tending such bridges, and the cost and expense of making, building, repairing and cleaning cisterns, springs and reservoirs, shall be chargeable to and payable out of the general fund of said city.

Improvements to be done by order of the board.

SECTION 5. The opening, grading, graveling or otherwise improving any street, avenue, lane or alley, or any part thereof not less in length than one block, shall be done by order of the board of aldermen, upon petition in writing, signed by at least one-half of the resident property owners of lots or parcels of land fronting both sides of such street or part thereof, if a majority of all the aldermen elect shall vote in favor of such order prayed for, in such petition, or by a vote of two-thirds of the aldermen elect in favor of such order without any petition, when in their opinion public interest and convenience shall require such improvement. Such order shall state whether such street or part of a street shall be improved to the established grade, or only partially graded and to what extent, whether any clay, gravel or other material shall be brought on the surface of such street, and the width and depth of such clay, gravel or other material. All votes taken on the adoption of such orders shall be by ayes and noes and entered upon the records of proceedings of said board.

Survey of improvement to be made.

SECTION 6. Whenever any order for the improvement, grading or graveling of any street or part thereof shall have been duly made, the city surveyor shall make or cause to be made a careful and correct survey, estimate and specification in writing of the number of cubic yards of excavation or filling, or both, to be done thereon, the number, size and kind of culverts to be made across the same, the number of cubic yards clay, gravel or other material, if any, to be placed thereon, and the depth and width of the same and the manner in which the surface of such street, avenue, lane or alley is to be formed, together with an estimate of the whole cost of such improvement, which estimate and specification shall be filed in the office of the city

clerk. Immediately after the filing of such estimate and specification the city clerk shall give notice in the official paper or papers of said city, stating that the improvement of a street, avenue, lane or alley (naming it) has been ordered by the board of aldermen, according to certain specifications in his office showing the nature and extent of such improvement, and that for a term of ten days after the date of such notice the city clerk will receive sealed proposals for making the same according to such specifications, which bids shall be opened in the presence of the board of aldermen and the contract awarded to the lowest responsible bidder, which contract shall be executed in the name of the city by the mayor and the city clerk. The person or persons entering into such contract with the city shall execute to said city a bond in double the amount of the contract price, signed by himself and two or more good and sufficient sureties, conditioned upon the faithful execution of his contract, said bond to be approved by the mayor. If no bids for doing such work should be received within the time specified, then the city surveyor, by and with the consent of the board of aldermen, shall contract for the same at as low and reasonable a sum or price as the same can be done for.

Necessary amount to be raised by tax.

SECTION 7. The amount necessary to pay the contract price of such improvement shall be raised by taxes to be levied upon and collected from the lots or parcels of land fronting both sides of said street, avenue, lane or alley, or part thereof, so ordered improved, exclusive, however, of the costs of the improvement of crossings, which shall be paid for out of the special funds of the ward or wards in which such crossings so improved shall be situated. Immediately after the letting of such contract the city clerk shall make out and deliver to the treasurer a correct description of all lots or parcels of lands fronting both sides of the street, avenue, lane or alley, or part thereof, so ordered to be improved, the name of the owner thereof, if known, setting opposite each lot or parcel of land the amount of taxes, in figures, to which the same may be respectively subject for making such improvement, which taxes shall be apportioned according to the last assessed value of said lots or parcels of land respectively, exclusive of the improvements thereon, and in case any taxable property shall not have been assessed the same shall be forthwith assessed by the clerk and placed in the tax roll, and the tax thereon shall be collected as in other cases, and a warrant ordering the city treasurer

to collect the taxes specified in said tax roll shall be attached to the same.

Ten days' notice to be given in city paper.

SECTION 8. Upon the receipt of the said tax roll by the city treasurer he shall immediately publish in the official paper or papers of said city, for at least ten days, a notice to the owners or occupants of said lots or parcels of land fronting the street, avenue, lane or alley, or part thereof, (naming it) mentioned in said tax roll, that such tax roll had been delivered to him for collection and they are required to pay to him within thirty days after the date of the first publication of said notice the taxes charged in said list to the lots or parcels of land owned by them respectively, together with the commission of five per centum on the amount thereof for collection fees; provided, that if said taxes shall be paid within fifteen days from the time of the first publication of said notice, the fees for collecting the same shall be only two per centum on the amount of such taxes. If after the expiration of thirty days after the first publication of said notice any taxes charged in said tax roll shall remain unpaid, the city treasurer shall make out a return of unpaid taxes, properly verified by him, and deposit the same, together with the original tax roll, in the office of the city clerk; and the said city clerk shall enter the taxes so remaining unpaid in the next annual tax roll as delinquent street taxes, adding to the amount of such delinquent taxes one per centum for each month or part of month from the time of such return to the first day of January next following; and such taxes shall be collected as other taxes in the city of Manitowoc are collected.

No land to be exempted.

SECTION 9. No lot or parcel of land in the city shall be exempted from the payment of its portion of any tax for the improvement of streets or the building or repairing of sidewalks upon which such lots or parcels of land may border, excepting only property belonging to the United States or to the state of Wisconsin. All taxes levied upon any park or public grounds, by virtue of this act, shall be paid by the wards on that side of the Manitowoc river where said park or public grounds are situated.

Construction of crosswalks.

SECTION 10. It shall be lawful for the board of aldermen to order the construction of crosswalks at such points as they shall deem necessary, and on the side of any street or part of street where a sidewalk is built, the costs and expenses of which shall be determined by a sworn statement of the person or persons making such crosswalks, and if allowed by the board of alder-

men shall be paid out of the special fund of the ward or wards in which such crosswalk is situated.

SECTION 11. Whenever in the opinion of the board of aldermen public safety or convenience shall require immediate partial repairs to be made on any street, it shall be lawful for them to cause the same to be made, ascertaining the costs and expenses thereof in the same manner as prescribed in the preceding section. Such costs and expenses shall be paid out of the special fund of the ward in which such partial repairs shall have been made. Whenever any cleaning provided for by this act shall have been made and completed, the street commissioner or city surveyor having charge thereof shall make a return in writing to the board of aldermen that the said work has been fully completed according to contract, stating the cost of such work and giving the name of the parties entitled to pay for doing the same. The board of aldermen, if they find such return correct and accompanied by the necessary vouchers, shall then order the issue of the city scrip, payable out of the fund to which such improvement, repair or cleaning may be chargeable; and it shall be the duty of the city treasurer to pay such scrip from the money in such fund, if any, or if there should be no money, or not enough to pay such scrip in full, then as soon as the taxes ordered to be levied and collected by this chapter are collected, and such scrip shall be receivable only in payment of the special tax for which it was issued. In case any property on which such special tax shall have been raised be returned for non-payment of taxes, then the holder of such scrip shall be entitled to take tax sale certificates to the amount of such scrip on any lots so returned for non-payment of taxes, and no interest shall be charged to him on such tax certificates. The board of aldermen may, however, before ordering any work, order the payment of such scrip out of the special ward fund or the general fund of the city, and such special ward fund or general fund shall be reimbursed from the taxes to be levied and collected as prescribed in this act.

In regard to immediate repairs.

SECTION 12. Parts of streets which have been brought to grade shall not be liable to any taxation for the improvement of other parts of the same street; but if the sidewalks have not been graded, or if the road has not been graded or paved, such grading, graveling or paving shall be done in the same manner as heretofore provided. If streets or parts thereof have once

In regard to parts of streets which have been brought to grade.

been worked to grade, and repairs become necessary afterwards, then such repairs shall be made and the costs thereof charged to the ward or wards in which such street is situated. In such cases the street commissioner shall have charge of the work and cause the same to be done.

"Resident owners."

SECTION 13. The words "resident owners" shall be construed to mean residents of the city of Manitowoc.

Street commissioner to notify owners by publishing notice.

SECTION 14. Whenever the board of aldermen shall deem it necessary to construct any sidewalk within said city they shall require the street commissioner to notify the owner or occupant of any lot or parcel of land adjoining such contemplated sidewalk, by publishing such notice for two weeks in the official paper or papers in said city that such sidewalk must be built within ten days after the date of such notice, at the proper cost and charge of such owner. If such work is not done within such time and in the manner described in such notice, the said street commissioner shall cause the same to be done by letting the contract to the lowest responsible bidder, and charge the expense thereof to the lot or lots properly chargeable therewith. He shall also be required to report to the board of aldermen the amount charged on each lot, which report shall be verified by affidavit, and upon examination and acceptance of such report by the board of aldermen, certificates shall be issued to the person or persons having made such sidewalk, in the same way as provided in section 11 of this chapter; provided, that before the said board of aldermen shall order the construction of any sidewalk, a petition signed by at least one half of the resident owners of the lands or lots abutting on the line of such proposed sidewalks shall be presented to the board of aldermen and allowed by a vote of a majority of all the aldermen elect. Such votes shall be taken by the ayes and noes and entered upon the record of the proceedings of said board.

Street commissioner to see that sidewalks are kept in good repair.

SECTION 15. It shall be the duty of the street commissioner to see that the sidewalks of the city are kept in good repair, and he shall give notice in writing to the owner or occupant of any lot or parcel of land, if they reside in the city of Manitowoc, of any damaged or dangerous places, such street commissioner may find in the sidewalk in front of such lot, or parcel of land, and requiring him to repair such sidewalk within twenty-four hours from the date of

such notice, and a copy of such notice shall also be filed in the office of the city clerk. If the owner or occupant of such lot or parcel of land does not live in the city of Manitowoc or cannot be found, then the said street commissioner shall post such notice to be given to such owner or occupant at some conspicuous place on said lot or parcel of land which shall be deemed a sufficient notice for all purposes required by this section. If the owner or occupant of such lot or parcel of land shall fail to repair or rebuild such damaged or dangerous places, then the said street commissioner shall cause the repairs or rebuilding to be made, the costs and expenses of which shall be ascertained by affidavit of the person making the same, and certified to by the street commissioner having the supervision thereof, and after being approved and allowed by the board of aldermen shall be a legal charge and tax against such lot or parcel of land, and entered on the next annual tax roll as delinquent street tax, as prescribed in this act.

Dock lines and matters relating thereto.

SECTION 16. The board of aldermen are hereby authorized by ordinance to make, designate and establish dock lines on the Manitowoc river within the boundaries of said city, conforming as near as practicable to the original meander and survey thereof; but such dock lines shall in no case be located inside of the original meander lines, and protect the banks of any and all creeks and streams of water emptying into said river so as to prevent sand and other obstructions from washing into said river; and for the purpose of carrying into effect the foregoing provisions of this section, the aldermen shall have power to provide by ordinance for docking the banks of said river and for requiring the owners of docks to repair and make the same conform to the established line, and by filling the lots abutting thereon and protecting the banks of all creeks, gutters and streams of water emptying into said river within the bounds of the city, and to require all the several owners of lots or any portion thereof abutting on said river or any creek or any stream of water to fill the same in such manner and within such time as such aldermen shall direct, and to make such other protections on any lot or lots within said boundaries to prevent obstructions from working into said river as to said aldermen may seem meet and proper; and if the owner or owners of such lot or lots shall refuse, within the time specified by said aldermen, to build or repair or change or alter such docks or other

protections, or otherwise comply with the provisions of such ordinance, the aldermen are hereby authorized and empowered to let the docking, repairing or altering of docks and filling or other specified protection for such lots by contract to the lowest bidder for the same, and when it shall be completed according to said contract and accepted by the aldermen, a certificate shall be issued to such contractor for the contract price, which shall be from that time a lien upon said lot or lots, the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real estate are or may be by law collected; but no part of the expense of any such work shall be paid by the city. The said board of aldermen shall have the power to provide for dredging the Manitowoc river on both sides thereof from the established dock line to the center of the river. The board of aldermen shall let by contract such dredging as may be required from the center of the river to within thirty feet of the established dock line, such dredging to be done in such manner and to such depth and within such time as the aldermen may direct, the compensation for such work to be paid out of the general fund, and to require of the several owners of lots, or any portion thereof, abutting on said river to do such dredging as may be required opposite such lot to the distance of thirty feet from the established dock line, in such manner and to such depth and within such time as the aldermen may direct, and the earth excavated from the bed of said river may de deposited upon such lot or lots; and if the owner of such lots shall refuse or neglect within the time specified by the said aldermen to do such dredging, the board of aldermen is hereby authorized and empowered to let such dredging by contract to the lowest bidder for the same, and when it shall be completed according to such contract and accepted by the aldermen, a certificate shall be issued to such contractor for the contract price of the work, which certificate shall from that time be a lien upon said lot or lots, the same as other special assessments, and shall be collected in the same manner as the taxes assessed on real estate are collected.

No officer of city to be interested in any city contract.

SECTION 17. No alderman or other officer of said city shall be directly or indirectly interested in any contract in which said city shall be a party; and any alderman or other officer violating the provisions of this section shall suffer the same penalty as provided in section eighteen of chapter five of chapter two hundred and seventy-five of the private and local laws of

1870, entitled "an act to incorporate the city of Manitowoc."

SECTION 2. Section 8 of chapter 9 of chapter 186 of the laws of 1879 is hereby amended so as to read as follows: Section 8. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment rolls and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes in a book to be known as the tax roll, placing opposite the several sums set down as valuation of real and personal property the respective sums assessed as taxes thereon in dollars and cents, rejecting the fraction of a cent when less than one-half, otherwise reckoning said fraction as a cent, and deliver the same to the treasurer on or before the second Monday in December in each year. Such tax roll, before being delivered to the treasurer, shall be compared by the clerk with the assessment roll, and to it he shall append his certificate that the same has been compared by him and that the total valuation of all real and personal property in said assessment roll has been copied into such tax roll; and the said tax roll, when so certified, shall be prima facie evidence in any court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal. The collection fees received by the city treasurer shall be credited to the general fund of the city. Duties of city clerk in regard to assessments.

SECTION 3. Section 5 of chapter 7 of chapter 186 of the laws of 1879 is hereby amended so as to read as follows: Section 5. No action shall be maintained by any person or corporation against the city of Manitowoc upon any account, claim, demand or cause of action wherein any money judgment or judgment for damages is demanded until such person or corporation shall have first presented his account, claim or demand or other cause of action to the board of aldermen for allowance or adjustment.

SECTION 4. In all actions hereafter tried upon issue joined in any of the courts of this state, in which it shall be sought by either party to avoid or set aside in whole or in part any assessment tax or tax proceeding levied or attempted to be levied for any special purposes in the city of Manitowoc for any of the causes provided by law if the court shall be of the opinion after a hearing in that behalf had, that for any reason affecting the ground work of the tax levied for special purposes in said city, said assessment tax or tax proceed- Relating to actions tried upon issue.

ing should be set aside, it shall immediately stay all proceedings in such action against said city until a re-assessment of the property affected by said assessment tax or tax proceeding can be made and the proper authorities of said city shall immediately proceed to reassess the property affected by said special tax and shall levy upon said property the amount of tax justly chargeable against said lot or lots and collect the same in the manner authorized by the charter of said city as, and for a first assessment, levy and collection of special taxes, and such assessment roll and such tax assessed and levied as aforesaid, shall be prima facie evidence of the amount of tax justly chargeable against such plaintiff and upon the lot or lots, tract or tracts of lands, respecting which the said action is brought. If the plaintiff shall desire to contest the validity of such re assessment, he shall, within twenty days after notice that said tax roll is completed, file with the clerk of the court where such action is pending objections in writing to such re assessment or tax roll, a copy of which objections shall, within five days after such filing, be served upon the attorney for the defendant, and thereupon the court may direct an issue to be made up, involving the objections aforesaid, which shall be tried summarily by the court, and thereupon the court shall file an order sustaining or over-ruling the objections of the plaintiff aforesaid; if by such order such re assessment or tax roll shall be held invalid, subsequent re-assessment of such tax may be had in manner and form as hereinabove provided, and similar proceedings may be resorted to, to determine the validity of any such re-assessment. If such re-assessment and tax roll shall be held by the court regular and valid, or if no objection thereto shall be filed by the plaintiff, the court shall make an order requiring the plaintiff to pay into court for the use and benefit of the defendant the amount which by such valid re-assessment he justly ought to pay. If the amount of tax imposed upon the plaintiff's property by such valid re-assessment shall equal or exceed the amount imposed thereon by the original assessment and tax roll, the plaintiff shall be adjudged to pay costs of such suit; otherwise the plaintiff, upon complying with the order of the court last aforesaid, shall be entitled to judgment with costs. The values shall be fixed as nearly as may be as of the day the original assessment was made and the rules of determining the same shall be those provided by the charter of said city for the assessment of special taxes.

SECTION 5. All acts, orders and resolutions of the board of aldermen of the city of Manitowoc ordering the improvement or grading of streets, heretofore or hereafter made, which shall have been or be duly recorded in the proceedings of said board of aldermen and published with the proceedings of said board, are hereby ratified, confirmed and declared to be as valid and of as full force and virtue as if said orders or resolutions ordering streets to be improved or graded had been done by ordinance. The record of the proceedings of the board of aldermen shall be prima facie evidence that the facts therein recited were duly performed according to law, and that the records of said proceedings were duly published. Proceedings ratified.

SECTION 6. The board of aldermen of the city of Manitowoc are hereby authorized to procure and keep a book or books in which shall be recorded all of the ordinances adopted by said board of aldermen. The certificate of the city clerk attached to ordinances therein recorded certifying that same have been duly passed and published shall be prima facie evidence of the facts therein recited. Such book or books of ordinances shall be received as prima facie evidence of the facts therein recited in all courts of the state. Ordinances to be recorded in book.

SECTION 7. The treasurer of the city of Manitowoc may administer the oath required by the charter of said city to any party presenting a claim or demand to the board of aldermen of said city for allowance and payment.

SECTION 8. This act shall be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 218, S.] [Published April 10, 1882.]

CHAPTER 310.

AN ACT in relation to the trial of civil actions in courts of record, and to amend section 2452 of chapter 114, revised statutes, entitled of county courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2452 of chapter 114 of the revised statutes, entitled of county courts, is hereby amended by adding thereto the following: And whenever the county judge is a party or interested in any matter in controversy in any action or proceeding pending in such court, or is related to or has been Relating to county courts.

counsel for any executor, administrator, trustee, guardian or heir at law in any such action or proceeding, such county judge shall, upon application of either party, change the place of trial or hearing of such action, matter or proceeding to the circuit court of such county.

SECTION 2. Any action, matter or proceeding removed from the county to the circuit court, pursuant to section 1 of this act shall be heard, tried and determined in said circuit court, and after such determination shall be certified back by said circuit court to the county court in the same manner and with like effect as now provided by law in case of appeal from the county to the circuit court.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 243, S.] [Published April 13, 1882.]

CHAPTER 311.

AN ACT to appropriate to Richard W. Comly a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation.

SECTION 1. There is hereby appropriated to Richard W. Comly out of the state treasury, of money not otherwise appropriated, the sum of fifty dollars in payment for services as stenographer of the select committee appointed to investigate the cause of the overflow of Lake Winnebago in 1881, under joint resolution No. 24.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 244, S.] [Published April 11, 1882.]

CHAPTER 312.

AN ACT to provide for levying a state tax for the year 1882.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State tax for 1882.

SECTION 1. A state tax of five hundred thousand dollars shall be levied upon the taxable property of the state of Wisconsin for the year of our Lord 1882, in

addition to all other taxes and charges authorized to be levied by existing laws. Said tax shall be apportioned and certified by the secretary of state to the several counties, and by the county clerks of the several counties to the several towns, cities and incorporated villages in their respective counties, and shall be collected and paid over according to existing laws.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 130, S.] [Published April 18, 1882.]

CHAPTER 313.

AN ACT to amend section 4286 and 4288 of the revised statutes of 1878, relating to the discharge of insolvents on proceedings in insolvency.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Proceedings in insolvency.

SECTION 1. Section 4286 of the revised statutes of 1878 is amended so as to read as follows: Section 4286. Such order shall direct that notice of its contents be published in a newspaper published at the seat of government of the state, and in a newspaper published in the county in which the application is made, if there be one, and if not, then in a newspaper published in an adjoining county, and also serve personally or by mail, at least twenty days before the day for such hearing, a copy of such notice on each creditor named or included in the petition of such insolvent, if such creditor's residence or post office address be known; and if one-fourth part in amount of the debts owing by such insolvent shall have accrued in any other state or territory, or be due to creditors residing there, such order shall also designate a newspaper at the seat of government of such state or territory in which such notice shall be published.

Proofs of service of notices.

SECTION 2. Section 4288 of the revised statutes of 1878 is hereby amended so as to read as follows: Section 4288. On the day fixed in such order or at any subsequent day or time that such judge or court may appoint, such judge or court shall hear the proofs and allegations of the parties, and before any other proceedings shall be had such court or judge shall require proofs of the service of such notices as are required by section 4286 to be served, and of the

publication of said notices as in section 4287 of the revised statutes of 1878 is required.

SECTION 3. This act shall take effect and be in force from and after passage and publication.

Approved March 30, 1882.

[No. 82, S.] [Published April 12, 1882.]

CHAPTER 314.

AN ACT to amend sections 111 a. and 112, chapter 10, revised statutes of 1878, entitled "of the legislature."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Number of clerks to be employed.

SECTION 1. Section 111 a, of chapter 10 of the revised statutes is hereby amended by adding after the words "enrolled bills," the words "one clerk to the committee on engrossed bills and one clerk to the joint committee on claims;" also by adding after the words "who shall act as committee room attendant," the words "one document room clerk;" also by adding after the words "document room attendant," the words "one attendent for the enrolling and engrossing rooms;" also adding after the words "one night watchman," the words "one fireman;" also by adding after the words "enrolled bills," in the thirteenth line of said section the words "one clerk to committee on engrossed bills;" also by adding after the words "two gallery attendants," the words "one attendant for the enrolling and engrossing rooms, one fireman, one general attendant for the assembly chamber who shall act as a policeman, one document clerk, one document room attendant, one flagman;" also by adding after the words "business of his house," the words "but no such copyists shall receive more than three dollars per day;" also amend by striking out the words "but no such copyists shall be paid for time when they are not actually employed in copying enrolled or engrossed bills;" also by adding after the words "but then only upon," the words "a joint resolution of both houses," so that said section when amended shall read as follows: Section 111a. The officers of the senate, other than the president ex-officio and president pro tem., shall be one chief clerk, one assistant clerk, one book-keeper, one enrolling clerk, one engrossing clerk, one transcribing clerk, one clerk of the judiciary committee, one clerk of the committee on enrolled bills, one clerk to the committee on engrossed bills, one

Officers of senate.

clerk to the joint committee on claims, one proof-reader, one sergeant-at-arms, one assistant sergeant-at-arms, one postmaster, one assistant postmaster, four door-keepers, one gallery attendant, who shall act as committee room attendant, one document room clerk, one document room attendant, one attendant for the enrolling and engrossing rooms, one janitor, one porter, one night-watchman, and eight messengers. The officers of the assembly, aside from the speaker, shall be one chief clerk, two assistant clerks, one book-keeper, one enrolling clerk, one engrossing clerk, one transcribing clerk, one proof-reader, one clerk to the judiciary committee, one clerk to the committee on enrolled bills, one clerk to the committee on engrossed bills, one sergeant-at arms, one assistant sergeant at arms, one postmaster, one assistant postmaster, one porter, one night-watchman, four door-keepers, two gallery attendants, one attendant for the enrolling and engrossing rooms, one fireman, one general attendant for the assembly chamber, who shall act as a policeman, one document room clerk, one document room attendant, one flagman, one wash-room attendant, and twelve messengers. The chief clerk of each house shall employ such additional copyists to assist in enrolling and engrossing bills as shall be necessary for the proper and expeditious transaction of the business of his house, but no such copyists shall receive more than at the rate of three dollars per day for the time actually employed. Additional clerks for committees may be employed upon extraordinary occasions therefor, but then only upon a joint resolution of both houses; and any clerk so appointed shall not be employed after the exigencies requiring his employment shall have passed. In case an attendant shall be needed in any committee room, the sergeant-at-arms shall detail some messenger or other employee to act as such attendant.

Officers of assembly.

SECTION 2. Section 112. The chief clerks shall receive a salary of eight hundred dollars for each regular session, and ten dollars per day for each special session, and fifty dollars for opening each session, which shall be in full for transcribing, indexing and all other services rendered. The other officers and employes of the senate and assembly shall receive per diems as follows: the sergeant-at-arms, the assistant clerks and book keepers, each five dollars; transcribing clerks, enrolling clerks and engrossing clerks, proof readers, the assistant sergeant-at-arms and postmasters, each four dollars; all other clerks and assistant post-

Salary of chief clerks and other clerks.

masters, each three dollars and fifty cents; doorkeepers, firemen, porters, gallery attendants, night watchman and janitors, each three dollars; all messengers, each two dollars. The per diem here established shall only be allowed from the commencement to the adjournment of the legislature. The chief clerk and sergeant-at-arms of each house shall certify to the secretary of state the names of all persons employed in their respective departments, the capacity employed in, and the number of days employed, which certificate shall be authenticated by the presiding officer of the house in which they are employed. Upon such certificate the account of the person named therein shall be audited, and paid out of the state treasury. At the close of each session of the legislature the secretary of state shall publish in the official state paper a full list of the accounts so audited.

Repealed.

SECTION 3. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after the first day of May, 1882.

Approved March 30, 1882.

[No. 159, S.] [Published April 12, 1882.]

CHAPTER 315.

AN ACT relating to the distribution of the geological survey, and amendatory of section 79 of the laws of 1879.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Number of copies to be printed.

SECTION 1. The commissioners of public printing are hereby authorized and required to procure the printing of one thousand copies of volume one of the report of the geological survey of this state, in addition to the number heretofore ordered printed.

How distributed.

SECTION 2. Every member of this legislature and the lieutenant governor shall be entitled to seven copies; the chief clerk and sergeant-at-arms of either house shall each be entitled to three copies of said volume one. The remaining volumes shall be deposited in the office of the secretary of state.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 309, A.] [Published April 13, 1882.]

CHAPTER 316.

AN ACT to authorize Henry Stearns, his associates and assigns to construct and maintain a dam across the Embarass river, on lands owned by him in Shawano county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Henry Stearns, his heirs and assigns are hereby authorized and empowered to construct and maintain a dam across the middle branch of the Embarass river, on lands owned by him, upon the southwest quarter of section nine (9) township twenty-seven (27) range twelve (12) east, in the county of Shawano. Said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream; provided, that said dam shall be subject to all provisions of law relating to the flowing of lands, and shall not interfere with the rights of any person heretofore acquired. The aforesaid person, his successors, heirs and assigns shall build a suitable slide or chute in said dam of sufficient width for running logs, timber or lumber over the same, and shall keep the same in repair. Said dam shall not be more than fourteen (14) feet in height at low water. **May maintain a dam.**

SECTION 2. The control of said dam, the slides, gates, and chutes, of the same, shall belong to said Henry Stearns, his heirs and assigns, and be under his exclusive control, subject always to the provisions of section 1 of this act. **Control of said dam.**

SECTION 3. Any person or persons who shall wilfully or wantonly break, destroy or in any may injure said dam, the slides, gates or chutes of the same, or shall open the same, shall be liable to the proprietors of the same, in an action to the amount of the damages done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction. **Penalty for destroying company's property.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

ERNST G. TIMME,
March 30, 1882. Secretary of State.

[No. 239, S.] [Published April 5, 1882.]

CHAPTER 317.

AN ACT to provide for the exemption of the earnings of laborers, and amendatory of section 2983 of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

In regard to the earnings of laborers.

SECTION 1. The earnings of all persons for three months next preceding the issue of any attachment, execution or garnishment, or proceedings supplementary to execution, shall not be liable to seizure or sale on execution, or on any provisional or final process issued from any court or any proceedings in aid thereof, and in case any creditor proceeds by garnishment against any person or party who shall be indebted to or have any property whatever, real or personal, in his possession or his control, belonging to such creditor's debtor, and such money or property at the time of serving such process was by law exempt from seizure or sale upon execution, said garnishee shall be entitled to judgment for his costs of suit, together with an attorney fee of ten dollars; provided, that no property exempted by the provisions of this section shall be exempt from attachment or upon execution issued upon a judgment in an action brought by any person for the recovery of the whole or any part of the purchase money of the same property.

In regard to married persons.

SECTION 2. Section 2983 of the revised statutes of 1878 is hereby amended by adding to the end of said section the following: Provided, that all married persons, or all other persons who have to provide for the entire support of a family in this state, who have no homestead, shall be entitled to an exemption from seizure or sale on execution as aforesaid, of five hundred dollars in money or other property, in lieu of said homestead; provided, that the property or earnings hereinbefore in this act mentioned shall not be exempt from garnishment or attachment or from sale under execution for any debt contracted prior to the first day of June A. D. 1882.

SECTION 3. All acts and part of acts controvening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after the first day of June A. D. 1882.

Approved March 30, 1882.

[No. 154, S.] [Published April 8, 1882.]

CHAPTER 318.

AN ACT to amend section 1777 of chapter 86 of the revised statutes of 1878, relating to additional powers of peculiar corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Improvement of streams and powers of companies or corporations in relation thereto.

SECTION 1. Section 1777 of chapter 86 of the revised statutes of Wisconsin for the year 1878 is hereby amended so as to read as follows: Section 1777. Any corporation formed under this chapter in whole or in part, for the improvement of any stream and driving logs therein, or for holding or handling logs therein, which shall have taken prior possession of such stream for that purpose, shall have power to improve such stream and its tributaries, by clearing and straightening the channels thereof, closing sloughs, erecting sluice ways, booms of all kinds, side rolling and flooding dams, or otherwise, if necessary; but shall in no case, in any manner, materially obstruct or impede navigation upon such stream, or erect any dam or other obstruction below the head of steamboat navigation, or obstruct any navigable slough, except with the written consent of the owners of the entire shores on both sides thereof. Every such corporation which shall so improve a stream and so keep in repair and operate its works as to render driving logs to the mouth thereof reasonably practicable and certain, may charge and collect reasonable and uniform tolls upon all logs, lumber and timber driven or floated on the same, to be fixed by the directors, and may take possession of all logs put into such stream or upon rollways so as to impede the drive, when the owners thereof or their agents shall not have come upon the stream adequately provided with men, teams and tools, for breaking the rollways and driving such logs in season for making a through drive down such stream, without hindering the main drives; and shall also, at the request of the owner of any logs and timber put into said stream, take charge of the same, and drive the same down and out of such stream, and charge and collect therefor of the owner or party controlling said logs and timber, reasonable charges and expenses for such services. And such corporation shall, for all such tolls, costs and expenses have a lien on the logs for which the same were incurred, and may seize, in whosesoever possession found, and hold a sufficient amount thereof to pay the same,

Ten days' notice to be given.

and make sale thereof, upon giving ten days' notice in the manner provided for notifying sales on execution upon the judgment of justices of the peace, or may enforce such liens as other log liens are enforced, according to these statutes. No injunctional order shall be granted to prevent the use or enjoyment of any such improvement, or abate any such dam necessary thereto, unless such corporation shall fail for sixty days after judgment to pay any damages recovered for any injury done by or in consequence of its works. Any corporation formed for the improvement of a stream which is in whole or in part a boundary between this and an adjoining state and authorized to drive logs or maintain booms or dams in such stream, shall have authority to purchase and hold stock in corporation or corporations in such adjoining state created for similar purposes upon the same stream, or to consolidate or otherwise unite with such corporation or corporations in such adjoining state whenever the purposes for which the corporation in this state is organized can be better effected thereby; provided, that no such purchase or consolidation or other union shall be made without the assent of holders of three-fourths of the capital stock of such first named company.

May overflow lands.

Any corporation created and existing under any laws of this state, in whole or in part for any or either of the purposes above specified, and any corporation owning or controlling dams, booms or improvements designed in whole or in part to accomplish any of the purposes above specified, shall have the power to overflow all such lands as shall be necessary for its use, and to acquire title thereto for such purpose by purchase as hereinafter provided, but in case such corporation and the owners of any such lands cannot mutually agree for the purchase, lease, or use thereof, or any easement therein, that may be necessary for such corporation, or the compensation to be made for taking any property for the use of said corporation, then either the said corporation or the owner of any lands so required may apply by petition to the circuit court of the county in which such lands shall be situated, or to the presiding judge thereof, which petition shall be signed and verified by the owner of such land or his attorney, or the attorney or some officer of such corporation, and shall contain a description of the land sought to be taken, used, overflowed or acquired for such purpose, the names of the parties who own and occupy the same,

and if any such persons are infants, their age, as near as may be, and if any are of unsound mind or unknown, such fact shall be stated, with such other facts as may be material, which petition shall be filed in the office of the clerk of the circuit court of the county in which such real estate is situated, and shall be the commencement of a suit in such court. The court, or the presiding judge thereof, shall by order prescribe the notice to be given of the time and place of hearing such petition; which order shall state the date of filing such petition, and the object thereof, and shall contain a description of the lands described therein, and be directed to the parties therein named, and to all persons interested in said lands so far as known; and may be served personally on such owner or owners or parties interested or at their usual abode not less than five days before the time fixed for such hearing, or by publication in some newspaper to be designated by said court or presiding judge, not less than ten days before the time so fixed for the hearing thereof. At the hearing of such petition, any person whose estate or interests are to be affected by said proceedings may show cause and be heard against granting the prayer thereof, and if it shall appear that any such person is an infant, idiot, or person of unsound mind, the court or presiding judge may, upon reasonable notice to his guardian, if any he has, and if not, without further notice, appoint a guardian ad litem, to act for such infant, idiot or person of unsound mind, in such proceeding, and may require him to give proper security. The court or presiding judge shall hear the parties interested, and may adjourn such hearing from time to time, as shall be convenient, and if no sufficient cause is shown against granting the prayer of the petition, shall make an order appointing three disinterested and competent freeholders residing in the same or some adjoining county where the premises to be appraised are situated, as commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate described in said petition ordered to be taken, overflowed or used in such county for the aforesaid purposes, by such corporation, and may fix therein the time and place for their first meeting. The said commissioners shall before entering upon the discharge of their duties take and subscribe an oath to support the constitution of the United States and the constitution of the state of Wisconsin, and faithfully to discharge their du-

Notice to be prescribed by judge.

May show cause.

Commissioners to be appointed.

Shall subscribe an oath.

ties as such commissioners to the best of their ability. Whenever requested in writing by or on behalf of such corporation, or any person the owner of or person interested in any tract of land described in such petition, but not otherwise, they shall proceed to perform their duties in respect to the lands mentioned in such request, and shall cause notice to be given to each party interested in the proceeding of the time when and place where they will meet to determine the amount of compensation to be paid for taking, overflowing or using such land for the aforesaid purpose, which notice shall be personally served on such party or his authorized agent or attorney, or guardian ad litem, or by leaving the same at his residence or place of business with a person of suitable age and discretion, at least six days before the time of such meeting, and if any such party is a non-resident of this state or his residence is unknown and he shall have no authorized agent or attorney in this state known to such commissioners, such notice shall be published in some newspaper, to be designated by said court or presiding judge, for such length of time prior to such meeting as such court or presiding judge shall direct. The commissioners shall preserve and file proof of service of such notices, or of the appearance of such parties before them, either personally or by attorney, with their report. They shall view such of the premises described in the petition as shall be mentioned in said written request, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each such tract or parcel of land taken, overflowed or required for flowage purposes by such corporation, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking, overflowing and use thereof, and fix the amount of compensation to be made therefor to each of such owners or parties interested therein. A majority of the commissioners being present, all of them having been notified, shall be competent to determine any matter before them, and they shall within twenty days after so viewing any lands so taken, used, overflowed or required, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning the lands mentioned in any such written request, making separate reports in relation to the lands of each separate owner, setting forth the amount awarded therefor, or for any separate estate

Manner of conducting the proceedings.

erein, to the owner or owners thereof, or parties in-
rested therein. Said commissioners shall be entitled such compensation as the court or presiding judge ay direct, to be paid by such corporation. Within irty days after the filing of such report, any person party deeming himself aggrieved thereby, may ap-eal to such circuit court by filing in the office of the erk thereof a written notice of appeal, whereupon ich appeal shall be considered an action pending in ourt, subject to a change of the place of trial, and an ppeal may be taken from any order or judgment herein to the supreme court, as in other actions; the wner of such lands in respect to which the award ap-ealed from was made, or other persons interested herein, shall be considered the plaintiffs therein, and n such corporation the defendant. Such appeal shall e tried by jury, unless a trial thereof by jury is vaived by both parties, and costs shall be allowed to the uccessful party on such appeal; and if the award in avor of the plaintiff be increased, to be added to the mount of the verdict and included in any judgment hereon; if it be decreased, in favor of the de-endant, and be deducted from the amount of such verdict, and judgment shall be rendered according to the rights of the parties. Any report of the commis-sioners shall be recorded by the clerk of the court in whose office the same is filed in the judgment book, and at any time after the filing of such award, such cor-poration may pay to the owner or owners or parties in-terested in the land so taken or required, or to the clerk of said court for his or their use, the amount or amounts awarded by the commissioners, and thereupon such corporation may enter upon, take, overflow and use such land for the purpose for which it was so re-quired; and such court, or presiding judge, may there-upon, upon notice of three days, award a writ of assis-tance to put such corporation into possession of the same, and may, upon such corporation giving security in such additional amount as shall be deemed proper, to pay any judgment which shall be recovered against it, award such writ, pending any appeal; if such corpor-ation be in possession, or be put in possession of such land pending an appeal, the owners or parties entitled thereto, shall be entitled to receive the money paid to the clerk of the court on account of the award ap-pealed from without prejudice to their appeal; but if such corporation shall have appealed, such money shall only be so withdrawn upon such owners or parties en-

Compensation of commissioners.

Report to be recorded.

Action in case corporation has appealed.

titled to receive the same, filing a bond in such sum, and with such surety, as shall be approved by the court or presiding judge, to repay the amount by which such award shall be abated with costs. If such corporation shall omit to pay the amount so awarded into the court, or to pay into court the amount of any final judgment which shall be rendered on any appeal from such award, the party interested in such award may have judgment thereon, and may have execution on any such judgment, without motion. If any defect of title to, or incumbrance upon any portion of the premises shall be suggested in such petition, or any party to said proceeding, or any person not a party, shall petition the court or presiding judge, setting up a claim adverse to the title set out in said petition to said premises, or to the money, or any part of it, to be paid as compensation for the lands so taken, used or overflowed, the court shall hear and determine the rights of the parties to said money, and for that purpose may order a reference or an issue to be tried by a jury. Either party may except to the decisions of the court or presiding judge, and appeal to the supreme court in like manner as in civil actions, upon which judgment may be rendered and costs awarded, as in other cases. When no appeal shall be taken from any award within the time provided by law, and the corporation shall have paid the amount thereof into court, or filed a receipt therefor, duly signed by the owner, and acknowledged before an officer authorized to take the acknowledgement of deeds in the office of the clerk of the court, or when, after the determination of such appeal, the corporation shall have paid into court the amount of the judgment rendered thereon, or filed a receipt therefor as aforesaid the clerk of said court shall make a minute of such payment, or on the filing of such receipt, at the foot of the record of the report of such commissioners, in the judgment book of said court; and thereupon the exclusive use of said premises, and every part and parcel thereof, shall vest in such corporation, its successors and assigns, so long as used for the purposes of said corporation, without any other or further act, deed or conveyance; and said record, or a certified copy thereof, shall be *prima facie* evidence of such title in all courts and places. In case such corporation shall not have acquired title to the lands upon which it shall have heretofore constructed its dam, or any part thereof, such corporation may proceed to acquire or perfect such title in the manner

Either party may except.

In case corporation shall not have acquired title.

heretofore provided, and at any stage of such proceedings the court at which the same may be pending, or the presiding judge thereof, may authorize such corporation, if heretofore in possession, by permission of the owner, to continue in possession and use and overflow such lands as have heretofore been overflowed during the pendency of such proceedings, and may stay all actions or proceedings against such corporation on account thereof, on its paying into court a sufficient sum, or giving such security as such court or presiding judge may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such lands or property may institute and conduct the proceedings to a conclusion, if such corporation delays or omits to prosecute the same, at its cost and expense, but no injunction to restrain the completion or operation of said dam shall be granted until such compensation has been fixed and determined. The court or the presiding judge thereof shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this chapter, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest, as such court or presiding judge may deem proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve or be incapable of serving, and shall apply to all such proceedings the practice in civil actions so far as may be, and the court shall have plenary power over the same, and may make or render any order or judgment that may be necessary to conduct and bring any such proceedings to a proper conclusion; provided, that this act shall not apply to any dam owned, controlled, leased to or by any municipal corporation or the lands flooded by such dam.

Proceedings to be conducted to a conclusion.

SECTION 3. All acts or parts of acts interfering or conflicting with, or in any wise contravening the provisions of this act, are hereby repealed, and this act shall be in force from and after its passage and publication.

Repealed.

Approved March 30, 1882.

[No. 63, S.] [Published April 12, 1882.]

CHAPTER 319.

AN ACT relating to liens upon logs, timber and lumber, and amendatory of chapter 330 of the general laws of 1881, entitled an act relating to liens upon logs and timber, and amendatory of chapter 143 of the revised statutes of 1878, and to repeal chapter 167 of the general laws for the year 1879, and chapter 62 of the general laws for the year 1880.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Liens upon logs.

SECTION 1. Section 3329 of chapter 143 of the revised statutes of the state of Wisconsin for the year 1878, entitled of liens, is hereby amended so as to read as follows: Section 3329. Any person who shall do or perform any labor or services in cutting, felling, hauling, running, driving, rafting, booming, cribbing, towing, sawing or manufacturing into lumber, any logs or timber in any of the counties of this state, shall have a lien upon such logs, timber or lumber for the amount due or to become due for such labor or services, which shall take precedence of all other claims or liens thereon; provided, that in said county of Door, such liens shall also extend to and include all labor and services done or performed in cutting, felling, piling, handling or hauling cord wood, or in cutting, peeling, piling, handling or hauling any tan or other bark.

Claim in writing shall be made.

SECTION 2. Section 3331 of said chapter 143 is hereby amended so as to read as follows: Section 3331. No debt or demand for such labor or service shall remain such lien, unless a claim therefor in writing shall be made and signed by the claimant or his attorney, and verified by the claimant or some one in his behalf, in the same manner that pleadings in civil actions may be verified, setting forth the nature of the debt or demand for which the lien is claimed, the amount claimed to be due, a description of the logs, timber or lumber against which the lien is claimed, and that the claimant claims a lien thereon pursuant to this chapter and the chapter to which this is amendatory. Such petition, except for labor or services done in the counties hereinafter particularly named, shall be filed in the office of the clerk of the circuit court of the county in which such labor or services were done or performed; and for such labor or services done or performed in the counties of Shawano, Waupaca, Outagamie and Fond du Lac, or in such parts of the counties of Brown, Oconto and other

counties wherein such logs, timber or lumber are got out upon the Wolf river or any of its tributaries, or for the purpose of being run down said river or its tributaries, such claim for lien shall be filed in the office of the clerk of the city of Oshkosh. If the labor or services are done between the first day of November and the first day of May following, the claim for lien shall be filed on or before the first day of June next thereafter, except as hereinafter provided; but if done after the first day of May and before the first day of November thereafter, or if said labor or services shall be continuous from the first day of November beyond the first day of May following, the claim for lien shall be filed within thirty days after the last day of doing or performing such labor or services, and such labor or services shall be deemed continuous notwithstanding a change of ownership in said logs, timber or lumber, or employers for whom said labor or services shall be done or performed; provided, that such claim for lien for labor or services done or performed on telegraph poles, railroad ties, cord wood and tan or other bark, as aforesaid shall be filed within thirty days from and after the last day of doing and performing such labor or services. Such clerks shall receive twenty-five cents for filing each such claim for lien, and for certified copies thereof, the fees allowed by law for certified copies of papers to clerks of circuit courts.

Claim for lien shall be filed.

SECTION 3. Section 3333 of said chapter 143 is hereby amended so as to read as follows: Section 3333. The plaintiff in such actions may have the remedy by attachment of the property upon which the lien is claimed provided by law in personal actions, and such attachments may be issued and be served and returned, and like proceedings had thereon, including the release of any attached property, upon giving security as in civil actions. The affidavit for the attachment must state that the defendant, who is personally liable to the plaintiff therefor, is indebted to him in a sum named over and above all legal set-offs for such labor or services done or performed, as entitles the plaintiff to a lien thereon under this chapter and the chapter to which this is amendatory, describing such logs, timber or lumber, and that the plaintiff has filed his claim for a lien pursuant thereto, and no other matter need be stated in such affidavit. No undertaking upon such attachment or security for costs in actions hereunder before justices of the peace need be given, unless upon application of some defendant in the

Remedy by attachment.

No undertaking need be given.

action, showing by affidavit that he has a good and valid defense to the plaintiff's claim, and to how much thereof, and if it be only to a part of such claim, unless the residue be paid to the plaintiff at the time of the application, which payment, if made, shall not affect the jurisdiction of the court and no order shall be made requiring the giving of such undertaking or security for costs, except upon ten days' notice to the plaintiff. The attachment shall direct the officer to whom it is issued to attach the property named in the affidavits, or so much thereof as shall be necessary to satisfy the sum claimed to be due therein and to hold the same subject to further proceedings in the action. The officer executing the attachment shall pay any boomage due upon the property attached, and the amount so paid shall be taxed as part of the costs of the action.

Taking of a promissory note shall not discharge lien.

SECTION 4. Section 3335 of said chapter 143 is hereby amended so as to read as follows: Section 3335. The taking of a promissory note or other evidence of debt, for any such labor or services done, shall not discharge the lien therefor, hereby given, unless expressly received in payment therefor, and so specified therein.

Judgment shall be in accordance with the findings.

SECTION 5. Section 3340 of said chapter 143 is hereby amended so as to read as follows: Section 3340. The court or jury which tries any action hereunder, shall, in addition to the sum due the plaintiff, find, if such be proven, that the same is due, for the labor or services done, or some part of them alleged in the complaint, and that the same is a lien upon the property, or some part thereof, described in the complaint, and that the judgment shall be in accordance with the findings, with costs to be taxed and allowed as in personal actions. The execution, in addition to the directions and commands of ordinary executions upon judgments for money, shall direct that such logs, timber or lumber, describing them, or so much thereof as may be necessary for such purpose, be sold to satisfy said judgment, costs and costs of sale. If the court, justice or jury shall find that the amount found due the plaintiff is not a lien upon any part of such logs, timber or lumber, they shall be released from the attachment, if they have been attached, but the plaintiff shall have judgment for the amount so found due, with costs as in ordinary civil actions; but he shall not recover, but shall pay the costs of executing such attachments.

Repealed.

SECTION 6. Section 3330 of said chapter 143, chapter 167 of the general laws of 1879, entitled "an

act to amend sections 3329 and 3330 of chapter 143 of the revised statutes of 1878, entitled of liens, and chapter 62 of the general laws of 1880, entitled an act to amend chapter 167 of the general laws of 1879, entitled an act to amend section 3329 and section 3330 of the revised statutes of 1878, entitled of liens, and all other acts and parts of acts conflicting with the provisions of this act, are hereby repealed, except chapter 222 of the laws of 1880, which is hereby revised, restored and re-enacted, and declared to be in full force and effect.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1882.

[No. 207, S.] [Published April 12, 1882.]

CHAPTER 320.

AN ACT to provide for the assessment and taxation of the property of telegraph companies in this state, and to amend section 1216 of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person, company or corporation owning or operating any line of telegraph within this state shall obtain a license therefor at the time and in the manner provided in this act. Such license shall be applied for on or before the first day of May in each year. Application therefor shall be made to the state treasurer. **License to be obtained.**

SECTION 2. Any person, company or corporation owning or operating any telegraph line within this state shall, at the time of applying for such license in each year, make a report in writing to the state treasurer, duly verified by such person or by the president or managing officer of such corporation, which report shall be in such form as the state treasurer may prescribe, and shall accurately and truthfully show the following facts: **Report to be made.**

1. The number of miles of telegraph line owned or operated by the person, company or corporation so making application for license, and the number of miles of such line that are within this state. **Number of miles owned, etc.**

2. The number of wires employed on each division of such line, and the aggregate number of miles of single wire owned or operated by such person, company or corporation in this state. **Number of wires.**

Number of officers.

3. The number of officers maintained within this state by such person, company or corporation.

Value of instruments.

4. A detailed statement of the number and value of the various instruments, implements and other property used or employed in constructing, repairing or carrying on such line.

Indebtedness.

5. The proportion of such indebtedness which is equitably and justly chargeable to the lines within the state.

Cost of lines.

6. A careful statement of the exact cost of the line or lines owned or operated within this state by the person, company or corporation applying for such license.

Other facts and figures.

7. Any other facts or figures relating to the business or management of such telegraph line or lines that may be required by the state treasurer.

State treasurer shall issue a license.

SECTION 3. Upon examining the report of any such person, company or corporation, the state treasurer shall, if he find such report in conformity to the laws of this state, issue to the person, company or corporation so making such report, a license to operate such telegraph line or lines for the calendar year, commencing on the preceding first day of January and terminating on the thirty-first day of December next succeeding. Such license shall by its terms be conditioned upon the prompt payment of the license fees imposed by this act. Upon failure or neglect to pay such license fees at the time fixed by this act for the payment of the same, such license shall terminate immediately. And for such unpaid license fees, the state of Wisconsin shall have a lien upon all the telegraph lines and appurtenances owned or operated by such delinquent persons, company or corporation, and the attorney general shall in such case proceed by action at law to collect such license fees.

License fee.

SECTION 4. Any person, company or corporation owning or operating any line or lines of telegraph within this state shall annually pay to the state treasurer, on or before the first day of June in each year, a license fee as follows: 1. For any such person, company or corporation, for the first wire, one dollar per mile; for the second wire, fifty cents per mile; for the third wire, twenty-five cents per mile, and for the fourth and all additional wires, twenty cents per mile.

SECTION 5. Section 1216 of the revised statutes, and all acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 6. This act shall take effect and be in orce from and after the first day of January, A. D. 883.

Approved March 30, 1882.

[No. 272, A.] [Published April 12, 1882.]

CHAPTER 321.

AN ACT to provide for laying out a state road from Westboro in Taylor county, through Price county, to Glidden in the county of Ashland.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. E T. Wheelock of Taylor county, N. Auly, Willis Hand and J. Tarr, of Price county, and George Grant and Henry Spille of Ashland county, are hereby appointed commissioners to lay out or cause to be laid out and establish a state road from Westboro in Taylor county, by the most feasible and desirable route, through Price county to Glidden in Ashland county. State road.

SECTION 2. Said commissioners shall proceed in said matter in all respects as provided by law in such cases, except as herein otherwise expressly provided, and shall receive as full compensation for their services, the sum of two dollars per day, and one dollar for each half day, for the time actually and necessarily spent by them in said matter, to be paid by the counties of Taylor, Price and Ashland respectively, in proportion to the number of miles of said road in each county, and said counties shall pay proportionately in the same manner, such reasonable and necessary expense for services of a surveyor and his necessary help, as shall be necessarily incurred by said commissioners in surveying and platting said road. No claim or demand for such services shall be paid until the completed survey and plat of said road shall be filed in the secretary of state's office, and a copy thereof in the office of the county clerk of each of said counties. The original survey and plat shall be certified by a majority of said commissioners and the surveyor employed, and attested by a notary public. Compensation for services.

SECTION 3. Ten days after the filing of the survey and plat of said road as hereinbefore provided, said road shall be deemed an established public highway. Notice.

SECTION 4. Said commissioners shall have the same powers as are conferred upon the boards of super- Powers of commissioners.

visors to award damages and settle with parties who may feel aggrieved or sustain damages by the laying out of said highway, subject to the right of appeal by the party aggrieved as in other cases of the laying out of public highways.

Drainage moneys to go in road.

SECTION 5. During the next ten years, all drainage moneys realized and paid into the treasuries of said counties from state swamp lands lying in said counties, between the south line of township thirty-four, and the north line of township forty-two, and west of the west line of range two west, are hereby appropriated for the purpose of draining and reclaiming swamps lying contiguous to said highway, and building necessary corduroy and bridges over said swamps on the line of said highway. The county clerks of said counties shall respectively apportion said drainage moneys in accordance with the terms of this act, and the treasurers of said counties shall respectively retain said moneys and pay them out only on the warrant of four of the said commissioners or their lawful successors; provided, the moneys received for said lands shall be expended in the respective counties where said lands lie.

Term of commissioners.

SECTION 6. Said commissioners shall hold until the duties prescribed by this act shall be completed, and they shall have full charge and control of the expenditure of all moneys placed under their control by this act; provided, that all work performed under their supervision, except surveying and platting, shall be done under contract, let to the lowest responsible bidder, and not otherwise. Any vacancy occurring in the board of commissioners shall be filled by a majority of the remaining commissioners; provided, that the person chosen to fill such vacancy shall be a resident and freeholder of the county in which his predecessor resided when appointed or chosen.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1882.

[No. 202, A.] [Published April 11, 1882.]

CHAPTER 322.

AN ACT to amend chapter 66 of the revised statutes, entitled of excise and the sale of intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1550 of the revised statutes is hereby amended by striking out the words "this chap-

er," where they occur in the second line of said section, and inserting in lieu thereof the words "any law of this state," and by striking out the words "according to the provisions of this chapter," where they occur in the fourth and fifth lines of said section, and inserting in lieu thereof the words "according to the laws of this state," so that said section when so amended, shall read as follows: Section 1550. If any person shall vend, sell, deal or traffic in, or for the purpose of evading any law of this state, give away any spirituous, malt, ardent or intoxicating liquors or drinks in any quantity whatever, without first having obtained license therefor according to the laws of this state, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished therefor by a fine thereof of not less than ten nor more than forty dollars, besides the costs of suit; or in lieu of such fine, by imprisonment in the county jail of the proper county not to exceed sixty days nor less than twenty days; and in case of punishment by fine as above provided such person shall, unless the fine and costs be paid forthwith, be committed to the county jail of the proper county until such fine and costs are paid, or until discharged by due course of law; and in case of a second or any subsequent conviction of the same person during any one year, the punishment may be by both fine and imprisonment in the discretion of the court.

In relation to intoxicating liquors.

SECTION 2. Section 1551 of the revised statutes is hereby amended by striking out the words "this chapter," where they occur in the third line of said section, and inserting in lieu thereof the words "any law of this state relating to excise or the sale of intoxicating liquors," so that said section when so amended shall read as follows: Section 1551. Upon complaint made to any justice of the peace by any person that he knows or has good reason to believe that an offense against any law of this state relating to excise or the sale of intoxicating liquors or any violation thereof has been committed, he shall examine the complainant on oath, and he shall reduce such complaint to writing, and cause the same to be subscribed by the person complaining. If it shall appear to such justice that there is reasonable cause to believe that such offense has been committed, he shall immediately issue his warrant reciting thereon the substance of such complaint, and requiring the officer to whom such warrant shall be directed forthwith to arrest the accused and bring him

Action of justice when complaint is made.

before such justice, to be dealt with according to law; and in the same warrant may require the officer to summon such persons as shall be therein named to appear at the trial to give evidence.

Duties of officers when offense has been committed.

SECTION 3. Section 1553 of the revised statutes is hereby amended by striking out the words "this chapter," where they occur in the fourth line of said section, and inserting in lieu thereof the words "any law of this state relating to excise or the sale of intoxicating liquors," so that said section when so amended shall read as follows: Section 1553. Every supervisor, trustee, alderman, justice of the peace, police officer, marshal, deputy marshal or constable of any town village or city, who shall know or be credibly informed that any offence has been committed against the provisions of any law of this state relating to excise or the sale of intoxicating liquors, shall make complaint against the person so offending within their respective towns, villages or cities to a proper justice of the peace therein, and for every neglect or refusal so to do every such officer shall forfeit twenty-five dollars, and the treasurer of such town, village or city, shall prosecute therefor.

May recover for wasting estate and exposing family.

SECTION 4. Section 1554 of the revised statutes, as amended by chapter 174 of the laws of 1881, is hereby amended so as to read as follows: Section 1554. When any person shall by excessive drinking of intoxicating liquors, mis-spend, waste or lessen his estate, so as to expose himself or family to want, or the town, city or village to which he belongs to liability for the support of himself or family, or so as thereby to injure his health, endanger the loss thereof, or to endanger the personal safety and comfort of his family, or any member thereof, the wife of such person, the supervisors of such town, the aldermen of such city or trustees of such village, or any of them, may, in writing, signed by her, him or them, forbid all persons licensed in accordance with the laws of this state, to sell or give away to such person any ardent, spirituous or intoxicating liquors or drinks for the space of one year, and in like manner may forbid the selling, furnishing or giving away of any such liquors or drinks to such person by any licensed person in any other town, city or village to which such person may resort for the same.

Penalty for selling to forbidden persons.

SECTION 5. Section 1555 of the revised statutes is hereby amended so as to read as follows: Section 1555. Such supervisors, aldermen, trustees or any one of them may in the same manner renew such prohibition from year to year as to all such persons as have not in their

or his opinion reformed within the year; and if any person so prohibited shall during such prohibition, sell or give away to any person to whom such sale shall have been so forbidden any intoxicating liquors or drinks of any kind whatsoever, he shall forfeit for each offense the sum of fifty dollars, to be recovered upon his bond in an action to be prosecuted by the town, village or city treasurer.

Shall be guilty of misdemeanor.

SECTION 6. Section 1556 of the revised statutes, as amended by chapter 312 of the laws of 1880, is hereby amended so as to read as follows: Section 1556. When the sale or giving away of any ardent, spirituous or intoxicating liquors or drinks to any person shall have been forbidden in the manner provided by law, every person who shall, with knowledge thereof, sell, or give to, or for, or purchase or procure for or in behalf of such prohibited person any such liquors or drinks, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding fifty dollars and the costs of prosecution; and in default of immediate payment thereof he shall be committed to the county jail for not less than thirty days unless sooner discharged by the payment of such fine and costs. The person to whom the selling to or purchasing or procuring for any such ardent, spirituous or intoxicating drinks has been prohibited, may be arrested on complaint of any supervisor, trustee or alderman and brought before any justice of the peace of the county to testify as to where he obtained or procured intoxicating drinks, and if he shall refuse to testify he shall be committed to the county jail to be detained therein until he shall so testify or be discharged by order of the court. In any such prosecution it shall not be necessary to allege in the complaint or information any facts tending to show that the person to whom such liquors or drinks were sold or given was a person to whom the sale of such liquors or drinks might lawfully or properly be forbidden; but it shall be sufficient to allege, generally, that such liquors or drinks were given or sold by the accused to such person with knowledge that the sale or giving of such liquors or drinks to him had been forbidden in the manner provided by law.

Penalty for giving or selling liquor to a minor or intoxicated person.

SECTION 7. Section 1557 of the revised statutes, as amended by chapter 174 of the laws of 1881, is hereby amended so as to read as follows: Section 1557. Any keeper of any saloon, shop or place of any name whatsoever for the sale of any strong, spirituous or malt

liquors to be drank on the premises, in any quantity less than one gallon who shall sell, vend or in any way deal or traffic in, or for the purp se of evading any law of this state relating to excise or the sale of intoxicating liquors give away any spirituous, ardent or intoxicating or malt liquors or drinks in any quantity whatsoever, to or with a minor or to any person intoxicated or bordering on a state of intoxication, and any person whatever who shall procure for, or sell or give away to any minor or intoxicated person any such liquors or drinks, shall be deemed guilty of a misdemeanor. No person shall sell or in any way deal or traffic in, or for the purpose of evading the law, give away, any spirituous, ardent or intoxicating or malt liquors or drinks in any quantity whatsoever, within one mile of either of the hospitals for the insane; and any person who shall so sell or give away any such liquors or drinks shall be deemed guilty of a misdemeanor.

Any persons injured may request officers to prohibit any liquor to be sold to habitual drunkards.

SECTION 8. Section 1560 of the revised statutes is hereby amended so as to read as follows: Section 1560. Any person or persons who shall be injured in per-on, property or means of support by, or in consequence of the intoxication of any minor or habitual drunkard, shall have a right of action jointly or severally in his, her or their name against any person or persons who have been notified or requested in writing by the officers authorized by law to forbid the sale or giving away of intoxicating liquors or drinks to such minor or habitual drunkard, or by the husband, wife, parents, relatives, guardian or persons having the care or custody of such minor or habitual drunkard, not to sell or give intoxicating liquors or drinks to him, and who, notwithstanding such notice or request, shall knowingly sell or give away intoxicating liquors, thereby causing the intoxication of such minor or drunkard; and the person so selling or giving away such liquors or drinks shall be liable for all damages resulting therefrom. A married woman shall have the same right to bring such suit and to control the same as a feme sole, and all damages so recovered shall belong to her and her separate property.

Giving away liquor to evade law, punishable by fine or imprisonment.

SECTION 9. Section 1565 of the revised statutes is hereby amended so as to read as follows: Section 1565. The giving away of intoxicating liquors or other shift or device to evade the provisions of any law of this state relating to excise or the sale of intoxicating liquors shall be deemed and held to be an unlawful selling within its provisions, and in all cases not other-

vise specially provided for any person convicted of any nisdemeanor or under the provisions of any such law hall be punished by a fine not exceeding fifty dollars, nd shall pay the costs of prosecution, and in default f immediate payment of such fine and costs he shall be ommitted to the county jail for not less than thirty lays nor more than ninety days, unless sooner dis-harged by the payment of such fine and costs. The vords, "any law of this state relating to excise or the ale of intoxicating liquors," or any words of similar mport when used in any statute, shall be held to include nd apply to all excise laws heretofore enacted, which hall remain in force, as well as all such laws which may e hereafter enacted, and to include the provisions of hapter 66 of the revised statutes and all acts amend-tory thereof so far as the same may be in force. In ny prosecution for an offense against, or violation of ny law of this state relating to excise or the sale of ntoxicating liquors, it shall not be necessary to allege r state in the complaint, information or indictment, the ind or quality of liquor sold or the person to whom he same was sold, but it shall be sufficient to allege, enerally, that the accused sold intoxicating liquor at time and place mentioned, together with a brief state-nent of the facts showing such sale to be unlawful. In ll cases of proof of the sale or giving away of any malt, pirituous, vinous or distilled liquor of any name or ature whatsoever shall be deemed proof of the sale or iving away of intoxicating liquors, without proof that he liquor so sold or given away was in fact intoxicat-ng.

Amount of license.

SECTION 10. Section 1548 of chapter 66 of the evised statutes, entitled of excise and the sale of in-oxicating liquors, is hereby amended by striking out he words twenty-five nor more than one hundred and ifty dollars, where they occur in the tenth line of said ection, and inserting in lieu thereof the words seventy-ve nor more than two hundred dollars, and by strik-ng out the words ten nor more than forty dollars, vhere they occur in the twelfth line of said section, nd inserting in lieu thereof the words twenty-five nor nore than fifty dollars, so that said section, when so mended, shall read as follows: Section 1548. The own boards, village boards and common councils of he respective towns, villages and cities may grant icense to such persons as they may deem proper to eep groceries, saloons or places within their respect-ve towns, villages or cities for the sale in quantities

less than one gallon of strong, spirituous, malt, ardent or intoxicating liquors, to be drank on the premises, and in like manner may grant licenses for the sale in any quantity of such liquors, not to be drank on the premises; and the sum to be paid for such license for the sale of such liquors to be drank on the premises shall not be less than seventy-five dollars, and for the sale of such liquors not to be drank on the premises shall not be less than twenty-five dollars. All such licenses shall remain in force for the residue of the term of office of the board which shall grant such licenses, unless sooner revoked by the board granting the same; but this section shall not interfere with or change the provisions of any village or city charter in respect to the term of license. Such license shall be attested by the town, city or village clerks, and shall not be delivered until the applicant shall produce to the clerk a receipt showing the payment of the sum required therefor to the proper town, village or city treasurer, and the filing with such clerk of the bond provided for in the next section.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1882.

[No. 399, A.] [Published April 17, 1882.]

CHAPTER 323.

AN ACT to establish a Board of Public Works and provide for a system of sewerage in the city of Appleton and to repeal so much of the charter of said city as is inconsistent with the provisions of this act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of public works.

SECTION 1. There shall be in the city of Appleton an executive department to be known as the board of public works to consist of three members who shall be resident freeholders in said city. The members of said board shall be appointed by the mayor of said city subject to the approval of the common council, but no two members shall be residents of the same ward. Their term of office shall be three years, and shall commence on the third Tuesday of April. At the first regular meeting of the common council on or after the second Tuesday of April, A. D., 1882, the mayor shall appoint subject to the approval of the common council, three members of the board of public works, one of them to hold for the term of one year, one for the term

Term of office.

of two years, and one for the term of three years from the third Tuesday in April, and annually thereafter, there shall be appointed as above provided one member of said board to succeed the member whose term of office shall expire, and whenever a vacancy shall occur in said board, such vacancy shall be filled by appointment, within one month thereafter, as above provided.

Commissioners shall take an oath.

SECTION 2. Every commissioner so appointed shall within ten days after receiving notice of his appointment as such commissioner take and subscribe an oath of office and file the same with the city clerk and in case of failure so to do the mayor shall appoint another person in his stead, subject to the approval of the common council. Each commissioner shall receive such salary or compensation as may be fixed by the common council, and such compensation may be changed during the term of office of such commissioners.

Shall elect one of their number chairman.

SECTION 3. The said board shall organize by electing one of their number chairman, and a majority shall be a quorum to do business. Said board shall hold their office at the office of the city clerk who shall be the clerk of said board The clerk shall keep and preserve all contracts, plans, estimates and profiles, which at all times during business hours shall be open to the inspection of the public. He shall also keep a record of all the acts and proceedings of said board and shall report the same to the common council from time to time as may be required.

Duties of clerk. Shall take special charge.

SECTION 4. It shall be the duty of said board to take special charge and superintendence, subject to such ordinances and resolutions as may be lawfully passed by the common council, of all streets, alleys, highways, sidewalks, crosswalks, bridges, docks, wharves, market places and all public grounds and buildings belonging to the city; of all sewers and drains and the work pertaining thereto. They shall have power to make contracts in the name and behalf of the city for the purposes, in the manner and under the limitations prescribed by this act. They shall perform all the duties prescribed by this act and such other duties as the common council may from time to time require.

Power to make contracts.

Shall advertise for proposals.

SECTION 5. Whenever any public work or improvement shall have been ordered by the common council as prescribed by the charter of said city, the city clerk shall advertise for proposals for doing the same accord-

ing to plans and specifications adopted by said board and approved by the common council. All contracts shall be awarded to the lowest responsible and competent bidder; provided that no contract shall be entered into by the board of public works unless the common council shall first approve the same; and the contractor shall first execute to the city his bond with two or more sufficient sureties to be approved by the board in at least the amount of the contract price of the work to be done, for the faithful performance and completion of the work in accordance with the contract and the plans and specifications and subject to the acceptance of the board of public works and the common council; provided that whenever the lowest bid shall appear to said board or to the common council to be unreasonably high they shall reject all bids, and may relet the work subject to the approval of the common council. All contracts entered into under the provisions of this act shall specify the time within or before which the work shall be completed

When public works are suspended.

SECTION 6. Whenever the prosecution of any public work shall be suspended, or shall not be completed within the time named in the contract, because of the default of the contractor, it shall be the duty of the board of public works to report that fact to the common council, with a statement of the condition of the work and an estimate of the probable cost of completing the same in the manner required by the contract; and the common council may rescind and annul such contract and thereupon give the board such direction in the premises as the council may deem proper. And whenever in the opinion of the board of public works a contractor shall not perform the work according to contract, said board may suspend the further prosecutions of the work until the further direction of the common council.

Shall report on completion of work.

SECTION 7. Upon the completion of any public work or improvement under any contract entered into by the board of public works, said board shall report to the common council the condition of the work and their acceptance of the same, or in case they do not accept the same, they shall report their reasons therefor. Thereupon the common council may accept such work or may take such action in the premises as may be necessary to complete the work; and when completed, to settle with the contractor.

Shall report whole amount due contractor.

SECTION 8. At the time of reporting their acceptance of any public work, or upon the final acceptance

of such work by the common council, the board of public works shall report to the common council the whole amount due the contractor under his contract, and how much, if any, has been paid him thereon, and in case the whole or any part of the expense of any such work shall be chargeable to any tracts of land, lots or sub-divisions of lots as a special tax under the provisions of chapter 47 laws of 1876, and the acts amendatory thereof, or under the provisions of this act, they shall report to the common council a schedule or list of such tracts of land, lots, and sub-divisions of lots, and the amount properly chargeable to each and the nature of the work for which chargeable, and the name of the contractor.

May appropriate amount due.

SECTION 9. Upon the acceptance of such report by the common council, said council may appropriate to the contractor out of any funds in the city treasury not otherwise appropriated the amount so due under his contract, and the city clerk shall, upon proof being furnished as required by the charter in such cases, issue under his hand certificates containing a description of the land, lots or sub-divisions of lots, the amount properly chargeable against the same as a special tax, the nature of the work for which chargeable and the name of the contractor, and shall deliver such certificates to the city treasurer whom he shall charge with whole amount of said certificates.

Owner of land may demand certificate.

SECTION 10. At any time after the issue of such certificates and before the annual levy of taxes by the common council, the owner or any person having an interest in any tract of land, lot or subdivision of a lot, may demand of and receive from the city treasurer the certificate against such real estate on payment to the city treasurer of the amount of such certificate, which shall operate and be a payment in full of such special tax. At the time of the annual levy of taxes, the city treasurer shall return to the common council all such certificates remaining unpaid to that date. The common council shall cancel such certificates and credit the treasurer with the whole amount thereof, and cause the several amounts of such certificates so returned and canceled to be levied as a special tax against the respective tracts of land, lots and subdivisions of a lot to which the same are respectively chargeable.

Purchase of material for repairs.

SECTION 11. The board of public works shall purchase for and on behalf of the city all the necessary material for the ordinary repair of bridges, streets, cross-walks, sidewalks, culverts, sewers, drains, and public buildings

subject to such rules and regulations as the common council may prescribe, and when practicable shall let the contract for the furnishing of such materials to the lowest responsible bidder, subject to the approval of the common council. They shall from time to time as required by the common council, report in writing the quantity and kind of material bought and the price paid or agreed to be paid therefor, and for what purpose the same has been used, and the amount on hand. The street commissioner and the city teams and teamsters and laborers employed on the city work shall be under the direction of the board of public works, subject to such rules and regulations as the common council shall prescribe. And said board shall hire and discharge all laborers and assistants for the street commissioner; provided, however, that the common council may from time to time limit the number of laborers and assistants and the amount of expense for the ordinary repair of streets, bridges, cross-walks, sidewalks, gutters, sewers, drains, culverts and public buildings belonging to the city.

Improvements to be ordered by council.

SECTION 12. No public work or improvement except the ordinary repair and cleansing of streets, bridges, cross-walks, sidewalks, gutters, sewers, drains, culverts and public buildings shall be done or contracted for by the board of public works or any other city officer unless the same shall first have been ordered by the common council and the contract therefor approved by said common council.

Board may recommend, etc.

SECTION 13. The board of public works, may from time to time recommend to the common council in writing, the construction of such sewers and drains, the opening, grading and graveling of such streets, the building of such bridges, culverts or other public works as they shall deem necessary and shall accompany such recommendations with their reasons therefor, and may when they shall deem proper present at the same time plans, diagrams and specifications for such work. If the common council shall not adopt such recommendations or approve of such plans and specifications, they shall return the same to the board of public works with their reasons therefor, and may make such additions thereto or changes therein as shall be deemed advisable for the consideration of said board.

System of sewerage.

SECTION 14. The board of public works of the city of Appleton may cause to be made from time to time, as fast as the preliminary surveys can be completed,

plans, specifications and diagrams for sewers and drains in said city, with the man-holes, catch-basins and necessary connections, and any other data deemed by them necessary or proper for information; and as far as practicable, a plan or plans for a general system of sewerage for the whole city shall be completed on or before January 1, 1884.

Shall give public notice.

SECTION 15. On the completion of any such plans, specifications and diagrams, said board shall give public notice in the official newspaper of the city for at least one week that a plan, specification and diagram for a sewer in any part of the city, particularly describing which part, will be on file in their office for inspection for the time therein specified, which shall not be less than ten days. Any person owning real estate or having any interest therein within or adjacent to the territory in such plans, specifications and diagrams indicated may file with said board written objection to said plans, specifications and diagrams, or any part thereof, and may also suggest improvements to the same or any part thereof.

May re-consider plans.

SECTION 16. The said board may reconsider and modify said plans, specifications and diagrams, and shall within ten days after the time limited to receive written objections, as in the preceding section provided, report such plans, specifications and diagrams to the common council for approval.

Common council shall take plans into consideration.

SECTION 17. The common council shall take such plans, specifications and diagrams into consideration, and within thirty days shall return the same to the board approved or disapproved or objected to, and if objected to, with a statement in writing of such objections, and may recommend any alterations which the common council may deem advisable.

Upon returns of plans with objections, etc.

SECTION 18. Upon the return of such plans, specifications and diagrams with the objections of the common council, the said board may make such changes as they may deem advisable and may generally modify their action in the premises until the plans, specifications and diagrams shall be approved by the common council; and no plan, specification and diagram thus approved by the common council shall be altered or deviated from except by consent of the said council, and all sewers thereafter built within the territory included in such plan or diagram shall be built in accordance with such plan, specification and diagram, unless the same shall be changed by or with the approval of the common council.

Expense shall be a lien.

SECTION 19. The expense of building and rebuilding sewers, man holes and catch-basins, exclusive of public street and alley crossings, shall be a lien upon and paid by the land, lots and sub-divisions of lots immediately fronting and abutting on the parts of the streets where said improvements shall be made, and shall be assessed, levied and collected as other taxes are levied and collected, unless paid by the parties interested as herein provided; but no part of such expense, except that of street and alley crossings, shall be paid out of the general fund; provided, however, that whenever in the opinion of the common council it shall be necessary to construct a large main sewer for the purpose of an outlet for the branch sewers, or for the purpose of carrying off surface water, requiring a larger and more expensive sewer than would be necessary for ordinary sewerage purposes, the common council may provide that the expense of building such sewers over and above the expense of building a sewer for ordinary sewerage only, shall be paid out of the general fund.

This act shall govern the payment of expense, etc.

SECTION 20. The provisions of this act shall apply to and govern the payment to the city of the expense incurred or paid by said city in the building of any and all sewers and parts of sewers, catch-basins and man-holes, which were built within said city during the year 1881, the same as though this act had been in force during said year 1881, and it shall be and is hereby made the duty of the common council of said city to ascertain or cause to be ascertained, within three months after the passage of this act, the amount of money which would be properly chargeable on account of the building of said sewers, parts of sewers, catch-basins and man-holes, in accordance with the provisions of this act to the respective lots and parts of lots and lands immediately abutting on any street or part of street where such sewer or sewers, catch-basins or man-holes were so built during said year 1881, and to file a statement of said amounts so ascertained in the office of the clerk of said city, and to give notice of such filing in the official paper of said city for ten days, and in case said amounts be not paid on or before the time for the general tax levy in said city for the year 1882, the city clerk shall insert the said several amounts so determined and remaining unpaid in the list of special taxes for said year 1882 against the respective lands, lots or parts of lots to which the same as so determined is properly chargeable; and the common council shall levy

and assess the same against said lands, lots or parts of lots respectively for said year 1882, and the same shall be inserted in the tax roll of said city for said year 1882 against the proper lots and lands, and said amounts shall be and remain a lien thereon, and shall be collected the same as other taxes; and said taxes, when so collected, shall be paid into the general fund of said city in all cases where said city paid for said sewers, catch-basins and man-holes out of the general fund, and in all other cases they shall be paid to the party or parties entitled thereto. For the purposes of this act all proceedings of the common council in the ordering and letting of the work for building of said sewers, catch-basins and man-holes in said city during the year 1881, and all other proceedings relating thereto are hereby declared legal and binding.

Clerk shall issue a certificate.

SECTION 21. Whenever the board of public works or street commissioner shall certify on oath that a lien has accrued against any real estate for work done pursuant to a contract duly made or to the charter or ordinances of the city, the city clerk shall issue a certificate or certificates under his hand, stating therein the amount of work done, the nature of the work, a description of the lot or parcel of land upon which the same is chargeable and the name of the person or contractor doing the work, and may deliver the same to the city treasurer, whom he shall charge with the whole amount of such certificate; but nothing in this act shall be construed as changing or increasing the liability of said city for any work done under the provisions of this act further than is now provided under the charter of said city. All provisions in the charter as it existed before the passage of this act, relating to the letting of contracts for the doing of public work, shall apply to and be in full force under the provisions of this act.

Repealed.

SECTION 22. So much of the provisions of the charter of said city as is inconsistent with the provisions of this act is hereby repealed.

SECTION 23. This act shall be in force from and after its passage and publication.

Approved March 31, 1882.

Expense shall be a lien.

SECTION 19. The expense of building and rebuilding sewers, man holes and catch-basins, exclusive of public street and alley crossings, shall be a lien upon and paid by the land, lots and sub-divisions of lots immediately fronting and abutting on the parts of the streets where said improvements shall be made, and shall be assessed, levied and collected as other taxes are levied and collected, unless paid by the parties interested as herein provided; but no part of such expense, except that of street and alley crossings, shall be paid out of the general fund; provided, however, that whenever in the opinion of the common council it shall be necessary to construct a large main sewer for the purpose of an outlet for the branch sewers, or for the purpose of carrying off surface water, requiring a larger and more expensive sewer than would be necessary for ordinary sewerage purposes, the common council may provide that the expense of building such sewers over and above the expense of building a sewer for ordinary sewerage only, shall be paid out of the general fund.

This act shall govern the payment of expense, etc.

SECTION 20. The provisions of this act shall apply to and govern the payment to the city of the expense incurred or paid by said city in the building of any and all sewers and parts of sewers, catch-basins and man-holes, which were built within said city during the year 1881, the same as though this act had been in force during said year 1881, and it shall be and is hereby made the duty of the common council of said city to ascertain or cause to be ascertained, within three months after the passage of this act, the amount of money which would be properly chargeable on account of the building of said sewers, parts of sewers, catch-basins and man-holes, in accordance with the provisions of this act to the respective lots and parts of lots and lands immediately abutting on any street or part of street where such sewer or sewers, catch-basins or man-holes were so built during said year 1881, and to file a statement of said amounts so ascertained in the office of the clerk of said city, and to give notice of such filing in the official paper of said city for ten days, and in case said amounts be not paid on or before the time for the general tax levy in said city for the year 1882, the city clerk shall insert the said several amounts so determined and remaining unpaid in the list of special taxes for said year 1882 against the respective lands, lots or parts of lots to which the same as so determined is properly chargeable; and the common council shall levy

and assess the same against said lands, lots or parts of lots respectively for said year 1882, and the same shall be inserted in the tax roll of said city for said year 1882 against the proper lots and lands, and said amounts shall be and remain a lien thereon, and shall be collected the same as other taxes; and said taxes, when so collected, shall be paid into the general fund of said city in all cases where said city paid for said sewers, catch-basins and man-holes out of the general fund, and in all other cases they shall be paid to the party or parties entitled thereto. For the purposes of this act all proceedings of the common council in the ordering and letting of the work for building of said sewers, catch-basins and man-holes in said city during the year 1881, and all other proceedings relating thereto are hereby declared legal and binding.

Clerk shall issue a certificate.

SECTION 21. Whenever the board of public works or street commissioner shall certify on oath that a lien has accrued against any real estate for work done pursuant to a contract duly made or to the charter or ordinances of the city, the city clerk shall issue a certificate or certificates under his hand, stating therein the amount of work done, the nature of the work, a description of the lot or parcel of land upon which the same is chargeable and the name of the person or contractor doing the work, and may deliver the same to the city treasurer, whom he shall charge with the whole amount of such certificate; but nothing in this act shall be construed as changing or increasing the liability of said city for any work done under the provisions of this act further than is now provided under the charter of said city. All provisions in the charter as it existed before the passage of this act, relating to the letting of contracts for the doing of public work, shall apply to and be in full force under the provisions of this act.

Repealed.

SECTION 22. So much of the provisions of the charter of said city as is inconsistent with the provisions of this act is hereby repealed.

SECTION 23. This act shall be in force from and after its passage and publication.

Approved March 31, 1882.

[No. 297, A.] [Published April 4, 1882.]

CHAPTER 324.

AN ACT to amend chapter 184 of the laws of 1874, entitled "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," approved March 10, 1874, and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section 7, of sub chapter 2, of chapter 184, of the laws of 1874, entitled "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," approved March 10, 1874, is hereby amended so as to read as follows: Section 7. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council, or by the mayor, or in such manner as the common council may direct, except when otherwise directed in this act. The city clerk, the commissioners of public works, city engineer, superintendent of schools, secretary of the school board, tax commissioner, commissioner of health, chief of police, and chief engineer of the fire department, shall respectively hold their offices for the terms for which they are respectively elected or appointed.

Mayor shall see ordinances are enforced.

SECTION 2. Section 2, of sub chapter 3, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced; and that all officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and the head of the fire department and of the police of the city, and in case of a riot or other disturbance, or whenever he and the chief of police shall deem it necessary for the prevention of threatened disorder or for the preservation of the public peace and the good order of the city, they may appoint as many special or temporary policemen as they may deem necessary. Such special or temporary policemen shall serve for such length of time as the mayor and chief of police shall deem necessary, and shall receive such compensation for their services as the common council shall provide or direct, but the term of said special policemen shall in no case exceed the time of two weeks.

SECTION 3. Section 13, of sub-chapter 3, of said hapter 184, of the laws of 1874, is hereby amended so s to read as follows: Section 13. He shall examine ll estimates of work to be done by the board of pub- ic works of the city, and countersign all contracts ntered into by said board of public works, and all ertificates of work given by them; and also all con- racts made in behalf of the city; and no contract ntered into or certificate issued against property, shall e of any validity unless countersigned by the comp- roller, except as otherwise expressly provided in this ct.

Shall examine estimates.

SECTION 4. Section 15, of sub-chapter 3, of said hapter 184, of the laws of 1874, which was repealed y section 10 of chapter 144 of the laws of 1875, is ereby revived and re-enacted in part, in the following vords and figures, to wit: Section 15. He shall re- ort monthly to the common council the amount of vork done, or for which contracts have been entered nto, chargeable to the several and respective ward funds nd to the general city fund, and to any other fund.

Shall examine reports, books, etc.

SECTION 5. Section 16, of sub-chapter 3, of said hapter 184, of the laws of 1874, is hereby amended so s to read as follows: Section 16. He shall examine he reports, books, papers, vouchers and accounts of f the treasurer, the collector of the water rates, the lerk of the Municipal court, and of any other officer uthorized to collect or receive, or charged with the luty of collecting or receiving moneys for the city, and hall perform such other duties as are prescribed in his act, and as the common council may from time to ime direct."

SECTION 6. Section 2, of sub-chapter 4, of said chap- ter 184, of the laws of 1874, as amended by section 11 of chapter 144 of the laws of 1875, is hereby amended by adding thereto, at the end of said section so that the entire section shall read as follows: "Section 2. The common council shall hold stated meetings at such times and places as they shall appoint, and the mayor or president of the board of aldermen may call special meetings thereof, by notice of at least twenty-four hours to each of the members, to be served personally or left at his usual place of abode. Special meetings shall also be called by the president, at the written re- quest of five aldermen. The common council shall de- termine the rules for their own government and pro- ceedings; provided such rules are consistent with the provisions of this act. A majority of the members

Council shall hold stated meetings and other requirements.

elected shall be required to constitute a quorum for the transaction of business, but a smaller number may adjourn; their sessions shall be open and public; their proceeding shall be recorded, and all their papers and records, and all election returns shall be deposited with the clerk of the common council, and the same may be examined at any time in the presence of the clerk; and each member of the common council shall have one vote, and no more, on any one question. The ayes and noes may be required by any member; and on all questions, ordinances or resolutions for assessing and levying taxes, or for the appropriation or disbursement of money, or creating any liability or charge against said city or any fund thereof the vote shall be taken by ayes and noes; and every vote by ayes and noes shall be entered at length upon the journal. The common council shall be the judge of the election and qualification of its own members, and may punish its members or other persons present, by fine, for disorderly behavior, may compel the attendance of its members upon its sessions, and employ the police of said city for that purpose; and may fine or expel any member for neglecting his duty as such member, or for unnecessary absence from the sessions of the board. At all elections or confirmations by the common council, the vote shall be given viva voce, and shall be duly recorded by the clerk in the journal; and the concurrence of a majority of all the members elect shall be necessary to an election or confirmation." The common council is a continuing body, and unfinished business pending before it shall not lapse or go down with the council year but all pending business before the common council or any committee thereof, at the termination of any council year shall be considered as pending before the common council of the next succeeding council year, or the corresponding committee thereof, and may be acted upon and disposed of by the council of such succeeding year in the same manner and with the same effect as if no change in such common council had taken place, by the expiration of a council year.

Amended.

SECTION 7. Sub-section 2, of section 3, of sub-chapter 4, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "2. To license, tax, regulate, suppress or prohibit billiard tables, pool tables, pigeon-hole tables, shooting galleries, nine or ten pin alleys, bowling saloons and ball alleys."

Direct location of breweries, tanneries, etc.

SECTION 8. Sub-section 7, of section 3, of sub-chapter 4, of chapter 184, of the laws of 1874, is hereby

mended so as to read as follows: "7. To direct the ocation and management of, and regulate breweries, anneries, packing houses, livery stables and sale tables; and to direct the location, management and onstruction of, and regulate, license, restrain abate or rohibit, within the city and the distance of four miles nerefrom, distilleries, slaughtering establishments, establishments for steaming and rendering lard, tallow, ffal, and such other substances as can or may be rendered, soap factories, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on; provided, that for the purpose of his section, the Milwaukee, Menomonee and Kinnickinnick rivers, with their branches, to the outer limits f the county of Milwaukee, and all canals connected with said rivers, together with the lands adjacent to aid rivers and canals, or within one hundred rods hereof, shall be deemed to be within the jurisdiction f the city."

SECTION 9. Sub-section 9, of section 3, of sub-chapter 4, of said chapter 184, of the laws of 1874, is hereby mended so as to read as follows: "9. To regulate utchers, and to regulate and restrain the sale of game, oultry, fresh meat, vegetables, fish, butter, fruit, eggs, milk and other provisions in the city; to restrain and unish the forestalling of poultry, fruit, milk and eggs; nd to cause the seizure and destruction, or other disposition, of tainted or unwholesome meat, butter, vegeables, fruit or provisions." **Regulate butchers, etc.**

SECTION 10. Sub-section 40, of section 3, of sub-chapter 4, of said chapter 184, of the laws of 1874, is hereby mended so as to read as follows: "40. To tax, license nd regulate road vehicles of any and every kind and escription, and the use or letting for use of telephone nstruments; to tax and license doctors, lawyers, fire nd life insurance solicitors, brokers, agents, commision men and grain brokers; to tax, license and regulate auctioneers, distillers, brewers, and pawnbrokers, and all keepers or proprietors of jink shops and places for the sale and purchase of second-hand oods, wares and merchandise; and to tax, license, egulate and restrain hawkers and peddlers, and runners r solicitors for steamboats, vessels, cars, railroads, tages, public houses and other establishments; and ther runners, including runners or solicitors for merantile houses from other cities and towns for the sale f goods, wares and merchandise by sample, order or therwise; and keepers or proprietors of gift book **Regulate wood vehicles.**

stores, gift concerts and other gift enterprises; and to fix and regulate the amount for licenses under this subdivision, and to prescribe the time for which such licenses shall be granted, and to provide and enforce penalties for carrying on either of said trades, kinds of business or employments, or using such vehicles without license; and to regulate the manner in which they shall be carried on or used; provided, that no such license shall be granted for a less term than three months nor for a longer term than one year, and that the amount to be paid for any such license shall not be less than at the rate of twenty dollars per year, nor greater than at the rate of two hundred and fifty dollars per year, for the carrying on of either of said trades, kinds of business or employments.

egulate eight of public buildings, etc.

SECTION 11. Sub-section 63, of section 3, of sub-chapter 4, of chapter 184, of the laws of 1874 is hereby amended so as to read as follows: "63. To declare that it shall be unlawful for any hall, theater, opera house, church, school house or building of any kind whatsoever to be used for the assemblage of people, or for any building exceeding three stories in height, to be used as a manufactory, hotel or boarding house, or for any other purpose, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled, in case of alarm, and may require and regulate the erection of ladders, fire escapes or other appliances for the escape of persons from such buildings, and prescribe penalties for the failure to provide or maintain such means and appliances for the egress and escape of persons from such buildings."

Appropriation resolutions shall be re- e rred.

SECTION 12. Section 5, of sub-chapter 4, of said chapter 184, of the laws of 1874, as amended by section 1, of chapter 274, of the laws of 1881, approved April 1, 1881, is hereby further amended so as to read as follows, to-wit: Section 5. All resolutions appropriating money, or creating any charge against any of the funds of said city or wards, and all accounts and ordinances, shall be referred to appropriate committees and shall only be acted on by the common council at a subsequent meeting not held on the same day, on the report of the committee to which the same were referred; provided, however, that when a committee shall report by resolution upon a matter referred to them by the common council, action upon such resolution may, in the discretion of the council, be taken without a further reference; and, in either case, if the report is made upon an ordinance or resolution appropriating money

it of, or creating any charge against any of the funds oresaid, said report shall be countersigned by the ty comptroller, and said comptroller shall not countersign any such report, unless there is a sufficient portion of the proper city or ward fund unappropriated to eet said appropriation or charge. Action upon any port of a committee made to the common council, all be deferred to the next regular meeting of the me by request of one-fifth of the aldermen present. And no portion of any city or ward fund shall transferred to, or borrowed from, or by any other of id funds at any time, or for any purpose whatsoever, as to increase any fund to an amount in excess of e estimate for such fund as fixed by the common uncil.

Repairs shall be made by board of public works.

SECTION 13. Section 7, of sub-chapter 5, of said apter 184, of the laws of 1874, is hereby declared to e in full force and effect, in the following words, to-it: "Section 7. All repairs and alterations in the hool buildings of said city, and in the premises atched thereto, shall be made by the board of public orks in the same manner as the said board is authored to do similar work. And whenever any such pairs or alterations are deemed necessary by the hool board, it shall be their duty to report the same the common council of the said city for their order d direction in the premises."

Shall advertise for proposals and matters relating thereto.

SECTION 14. Section 9, of sub-chapter 5, of said apter 184, of the laws of 1874, as amended by section 21, of chapter 144, of the laws of 1875, and by apter 294, of the laws of 1881, is hereby further nended so as to read as follows, to-wit: Section 9. Whenever any public work or improvement shall be rdered by the common council, the said board shall dvertise for proposals for doing the same—a plan or rofile of the work to be done, accompanied with pecifications for doing the same, or other appropriate d sufficient description of the work required to be one, and of the kinds and quality of materials to be rnished, being first placed on file in the office of said oard for the information of bidders and others. uch advertisement shall be published at least six days the official city papers, and shall state the work to e done and the time for doing the same, which shall all cases be such reasonable time as may be necesary to enable a contractor with proper diligence to erform and complete such work. All proposals shall e sealed and directed to said board, and shall be ac-

companied with a bond to the city of Milwaukee in such penal sum, not less than thirty per cent. of the amount of the engineer's estimate of the cost of such work, as the board in such advertisement may direct; which bond shall be signed by the bidder and by two or more responsible sureties who shall each make affidavit that he is the owner of real estate in the county of Milwaukee, free from incumbrance and subject to execution, of a cash value equal to the penalty of said bond, that he is worth the penal sum of such bond over and above all his debts and liabilities, in property in said county, subject to execution; such bond and sureties to be approved by the board previous to the opening of the accompaning bids or proposals, and shall be conditioned that such bidder will execute and perform the work for the price mentioned in his proposal and according to the plans and specifications on file, in case the contract shall be awarded to him; and in case of default on his part to execute a contract with satisfactory sureties and to perform the work specified, said bond shall be prosecuted in the name of said city, and judgment recovered thereon for the full amount of the penalty thereof, as liquidated damages, in any court having jurisdiction of the action, unless the common council shall, by resolution, direct that no action shall be commenced; provided, that no bond shall be required of any bidder who, at the time he offers his bid or proposal as aforesaid, shall deposit with the board of public works a sum of money equal to 50 per cent. of the penalty required for such bond, under an agreement that the same shall be returned to such bidder in case the contract for the work bid for is not awarded to such bidder, or in case he makes no default in the execution of the contract with satisfactory sureties, in case it is awarded to such bidder, and that in case the contract is so awarded and he shall fail to execute a contract with satisfactory sureties to perform the work specified, for the price named in his bid, within a reasonable time after such contract is prepared and ready for execution, then said sum of money shall become the property of said city, as fixed and liquidated damages for such default, and shall be paid by said board to the city treasurer.

Contracts to be awarded to lowest bidder.

SECTION 15. Section 10, of sub-chapter 5, of said chapter 184, of the laws of 1874, as amended by section 22, of chapter 144, of the laws of 1875, is hereby further amended so as to read as follows, to wit: Section 10. All contracts shall be awarded to the lowest bidder,

who shall have complied with the foregoing requisitions; provided, that no contract shall be entered into by the board of public works, unless the same shall be executed by two or more sureties for the contractor guaranteeing to the satisfaction of said board the performance of such contract by the contractor, under the superintendence, and to the satisfaction of said board, each of which sureties shall make an affidavit indorsed on or attached to such contract, that he is the owner of real estate in the county of Milwaukee, free from incumbrance and subject to execution, of a cash value equal to the penal sum of such bond, and that he is worth the estimated amount of money to be paid on such contract, over and above all his debts and liabilities, in property in said county subject to execution; and provided further, that whenever the lowest bid for any work to be let by said board, shall appear to said board to be unreasonably high, the said board is authorized to reject all bids therefor, and to re-let the work anew; and whenever any bidder shall be, in the judgment of said board, incompetent, or otherwise unreliable for the performance of the work for which he bids, the said board shall report to the common council of the said city a schedule of all the bids for such work with a recommendation to accept the bid of the lowest competent and reliable bidder for such work, with their reasons for such recommendation, and thereupon it shall be lawful for the said common council to direct the said board either to let the work to such lowest competent and reliable bidder, or to re-let the same anew; and provided further, that the said board shall reject the bid of any person who shall previously have wilfully or negligently failed to complete any work or contract entered into by him with the city, or any officer or department thereof, or who shall have wilfully or negligently failed to enter into a contract with satisfactory sureties, for any work or improvement that shall have been previously awarded to him by said board, and the failure to let such contract to the lowest bidder, in compliance with any provision of this section, shall not invalidate such contract, or any special assessment thereunder, or for the work done in virtue thereof.

All work shall be let by contract.

Section 16. Sections 16, 18 and 19 of sub-chapter 5 of said chapter 184 of the laws of 1874, are hereby revised, re-enacted and amended, so that said sections shall read as follows, to-wit: Section 16. All work, except as otherwise provided in this act, chargeable to the sev-

eral ward funds, or to the city funds, including incidental printing, shall be let by contract to the lowest bidder, in the manner provided by sections 10, 11 and 13 of this chapter; and all supplies of materials, exceeding in amount one hundred dollars, shall, when practicable, be purchased by said board by contract, which shall be let after due notice inviting proposals, in the manner provided for the letting of contracts for the doing of public work; all accounts for such work, or for the furnishing of such materials, shall, before being allowed by the common council, be audited by the comptroller, and all such accounts for work done or materials furnished under the supervision of the board of public works, shall be certified by them before being audited. Section 18. Whenever the board of public works shall deem it for the interest of the city, or whenever, in the prosecution of any public work, said board shall be of the opinion that the proposed work can be better and more cheaply done without the intervention of a formal contract, they shall report the same to the common council, with their reasons therefor, and the common council may, by resolution, authorize the said board to procure the necessary materials therefor, and to employ workmen to do such work; provided, that such authority shall not be given, unless approved by the votes of at least three-fourths of all the members elect of the common council; and in case of ward work, of two aldermen of the ward; and further provided, that such authority shall not be exercised unless the comptroller shall, as provided in section 19 of this chapter, advise the board that there are sufficient funds available for the proposed work.

Board of public works may employ workmen, etc.

Shall deliver comptroller a statement.

Section 19. It shall be the duty of the said board of public works, before causing such work to be done, to deliver to the comptroller a statement in writing of the work authorized and proposed to be done as provided in the next preceding section, showing the nature and estimated cost thereof, and the fund to which the same is chargeable; and it shall be the duty of the comptroller to enter such statement in the record mentioned in section 15, of this chapter; and in case the comptroller shall be satisfied that the cost of such proposed work will exceed the amount available for the purpose of the fund out of which the same is to be paid, it shall be his duty to so advise the board of public works, and the resolution of the common council, passed as in the last preceding section, shall be inoperative.

SECTION 17. Section 20, of sub-chapter 5, of said chapter 184 of the laws of 1874, is hereby amended so as to read as follows, to-wit: Section 20. The said board shall reserve in every contract the right to determine finally all performance of such contract, or doing of the work specified therein; and the right, in case of the improper or imperfect performance thereof, to suspend such work at any time, or to order the entire reconstruction of the same if improperly done, or to re-let the same to some other competent party; and also the right, in case such work shall not be prosecuted with such diligence, and with such number of men as to ensure its completion within the time limited by the contract, to suspend such work and re-let the same to some other competent party or employ men and secure material for the completion of the same, and charge the cost thereof to the contractor. And power is hereby given to the said board to adjust and determine all questions as to the amount earned under any contract by the contractor or contractors, according to the true intent and meaning of the contract; and such adjustment and determination by said board shall be final between the parties and binding upon them. If the amount of damages to be paid to the city shall exceed the amount due from the city to such contractor or contractors, according to such determination and adjustment, then the difference or balance in favor of the city, according to such determination and adjustment, shall be recoverable at law in an action in the name of the city against such contractor or contractors and their sureties in any court having jurisdiction. Every contract with the city shall be made expressly subject to the powers given to said board by this section, and shall also contain a covenant or agreement on the part of the contractor and his sureties, that in case such contractor shall fail to fully and completely perform his contract within the time therein limited for the performance thereof, such contractor shall pay to the city of Milwaukee, as liquidated damages for such default, a certain and definite sum for each day's delay in completing the contract, after the time therein limited for its completion, which daily sum shall be determined and fixed by the board of public works before the contract for the work shall be let, and shall be stated in the advertisement for proposals for the work, and shall be inserted in the contract, and shall in no case be less than one-half of one per cent. of the aggregate cost of the work embraced in such contract.

Shall determine performance of contract.

Relating to damages awarded.

SECTION 18. Section 16, of sub-chapter 6, of chapter 184, of the laws of 1874, as amended by section 1, of chapter 206, of the laws of 1881, is hereby further amended so that the said section 16, shall read as follows, to-wit: "Section 16. Whenever the damages awarded to the owner by the report of the board of public works, as confirmed by the common council, for any property condemned by said city for public use, shall have been paid or tendered to such owner or his agent; or when sufficient money for that purpose shall be provided in the hands of the city treasurer, and ready to be paid over to such owner, and ten days' notice thereof shall have been given by the board of public works, in the official papers, the city may enter upon and appropriate such property to the use for which the same was condemned; and the same shall thereafter be subject to all the laws and ordinances of the city, to the same extent as streets, alleys and public grounds heretofore opened or laid out. The claimant of such damages shall in all cases furnish an abstract of title, showing himself entitled to the same, before they shall be paid to him. If in any case there shall be any doubt as to who is entitled to the damages for land taken the city may require of the claimant a bond with good and sufficient sureties, to hold said city harmless from all loss, costs and expenses in case any other person should claim said damages. The damages assessed by the board of public works, or awarded by the verdict of the jury and judgment rendered thereon in case of appeal, shall be paid or tendered, or provided in the hands of the city treasurer and ready to be paid over to the person or persons entitled thereto, and notice thereof given in the official papers as herein provided, within twelve months after the rendering of such judgment, or after the confirmation of such assessment by the common council, in case no appeal shall have been taken; and if not so paid, or tendered, or provided in the hands of the city treasurer, all the proceedings in any such case shall be void; provided that such period of twelve months shall be exclusive of the time any such judgment may be pending in the supreme court on appeal; and, provided also, that if the common council of said city shall, at any time before the city has actually entered upon and appropriated the property to the use for which it is proposed to be taken, by resolution, determine and declare that the cost of the property proposed to be taken,

whether ascertained by the board of public works or by the court, on appeal in any case from the decision of said board, is unreasonably great or so large as to be burdensome and injurious to the owners of property assessed for benefits thereby, or that for any reason the taking of any property so proposed to be taken for public use is expedient, it shall be lawful for the common council to direct that the proceedings for taking any or all of such property be abandoned, and thereupon and thereafter such property, or the part thereof for the taking of which the proceedings are so abandoned, shall be and remain private property the same as if no such proceedings had been instituted for the purpose of taking the same for public use, and the expenses of such proceeding, so abandoned, shall be paid by the said city, out of the fund of the ward or of the wards in which such property is situated; and, provided further, that no such abandonment of any proceedings shall in any way hinder or prevent other and subsequent proceedings to take the same property, or any part of it, for the same or any other public use for which it may be taken by law. The benefits assessed and reported by the board of public works, from the confirmation of such report by the common council, shall be and remain a lien upon the premises so determined by the board of public works to be benefited by the taking and appropriation of lands to the public use as proposed.

Opening public streets.

SECTION 19. Section 26, of sub-chapter 6, of said chapter 184, of the laws of 1874, as amended by section 28, of chapter 144, of the laws of 1875, is hereby further amended, so as to read as follows, to-wit: Section 26. Whenever the said common council, with the concurrence of three-fourths of the members elected thereto, shall declare by their resolution that it is necessary for the public interest to open a public street or alley, or to take land for any public purpose authorized by this act, the said common council shall have power to open such public street or alley, or to take land for such public purpose, as the case may be, without any petition therefor, and to proceed thereafter in that behalf, as in cases of petition therefor, duly made; and in such case no bond shall be required; provided, that in cases of streets and alleys, such resolution shall also be approved by a majority of the aldermen of the ward in which the land proposed to be taken may be situated. The resolution provided for in this section, shall declare why it is necessary for the public interest so to pro-

ceed; and no such resolution shall be passed by the common council at the same meeting in which it is first considered, but the same shall lie over to a future meeting thereof. And the yeas and nays on the passage of such resolution shall be taken and duly entered in the journal of proceedings of the council.

Relating to grading or improving streets.

SECTION 20. Section 6, of sub-chapter 7, of said chapter 184, of the laws of 1874, as amended by section 2, of chapter 274, of the laws of 1881, is hereby further amended so as to read as follows, to-wit: "Section 6. Whenever the board of public works shall deem it necessary to grade or otherwise improve any street, alley, sidewalk or public ground, or to erect and construct a bridge or viaduct over any ravine in said city of Milwaukee, or to dredge or dock any of the rivers or of the public canals after their first construction, or to abate any nuisance caused by stagnant water in said city, it shall cause to be made an estimate of the cost of such work, and shall put the same on file in its office, and such estimate shall be open to the inspection of any party interested. Thereupon the said board of public works shall make to the common council such recommendation in relation to the proposed work as it may deem proper; and upon the same being adopted by the common council, in whole or in part, the said board may order so much of the work to be done as shall have been adopted; provided that no change of any previously established grade, and no such work, chargeable to lots or parcels of land fronting on or abutting on the same, except the grading, graveling and paving of streets, the paving of gutters and making of sidewalks, and except repairs, and docking and dredging, shall be ordered by resolution, ordinance or otherwise, unless a petition therefor shall first be presented to the common council, signed by residents of said city owning a majority of the feet in front of all the lots fronting on such proposed improvements, owned by residents of such city, and for that purpose, every person in the actual possession of any lot or parcel of land fronting on such improvements, under a contract in force for the purchase thereof from the owner, shall be held to be a freeholder within the meaning of this act, and to be the owner of such real estate for the purpose of petitioning as owner thereof. Each person signing such petition as a resident or as the owner of property, shall be required to write after his signature thereto a brief description of the property so owned by him, and of the

place of his residence in said city, and to annex thereto an affidavit that he is such resident and owner, and thereupon he shall be taken to be such resident and owner, and such petition shall be as valid and have the same effect as if such person were the owner of such property, and a resident of the city or ward, as stated in his affidavit, although in fact it should thereafter appear that he was not such owner or resident. The common council may order the grading, graveling and paving of streets and alleys, the paving of gutters and the making of sidewalks, without such petition; provided, however, that in the absence of such petition, the resolution of the common council ordering the work shall have been referred by the council to a special committee of five members, no one of whom shall be a resident of the ward or any ward in which the grading, graveling or paving of streets, alleys or gutters, or the making of sidewalks, mentioned in the resolution is proposed to be done, and shall have been reported by such committee to the common council with their recommendation that it be adopted, before a vote shall be taken upon its adoption; and provided such resolution shall declare why it is necessary for the public interest to proceed without such petition, and shall also upon its passage be supported by the votes of three fourths of all the aldermen elected, and of a majority of the aldermen of the ward or of each ward in which such grading, graveling or paving, or making of sidewalks, is to be done; and provided further, that no such resolution ordering the grading, graveling or paving of a street or streets or alley, the paving of gutters or the making of sidewalks, without a petition therefor shall be voted upon or passed at any meeting of the common council held within four weeks from the time of its presentation to the council, and the vote on its passage shall be taken by yeas and nays, and duly entered in the journal of proceedings.

Relating to repair of sidewalks.

SECTION 21. Section 16, of sub chapter 7, of said chapter 184, of the laws of 1874, as amended by section 32, of chapter 144, of the laws of 1875, is hereby further amended so as to read as follows, to-wit: Section 16. It is hereby made the duty of the board of public works with the consent of the aldermen of the proper ward, unless otherwise provided by ordinance of the common council, to cause the streets, alleys and sidewalks in the city to be kept in proper repair, and in a cleanly and wholesome condition at all times, and for this purpose they are empowered with the consent of the aldermen

of the ward in which such street, alley or sidewalk is located, to employ the necessary labor, or to contract pursuant to law, for such cleaning and repairing as they may deem necessary for the safety and health of the people; the expense of such cleaning and repairing, except of sidewalks, shall be chargeable to and paid out of the fund of the ward in which such work is done; and said board is also hereby empowered to cause sidewalks to be repaired, or to be taken up and relaid, with new materials or with part new and part old materials, and to be restored to grade and to assess the expense thereof against the lot or piece of land in front of which such work may be done, in the manner hereinafter provided: Provided, however, that before causing such work of repairing, or relaying sidewa ks as aforesaid, including the restoration of them to grade, said board shall make an order particularly describing the work to be done, and shall give public notice for at least six days, in the official papers to all persons interested, that such repairs or relaying are necessary, and that specifications of the same are on file in their office where they can be examined, and that such person so interested can make such repairs or relay such sidewalks at any time within twenty days from the first publication of such notice, after which time all such repairs or relaying remaining undone will be done under the direction of the board of public works, and the expense thereof assessed against the lots or parts of lots or parcels of land respectively in front of which such repairs and relaying shall be so done by said board; and said board is hereby empowered to cause such unfinished work to be done by contract or by men in their employ; and no petition for any such repairing or relaying, and no further notice for doing such work shall be necessary; provided, that in all cases in which notice is required under this section, if the lots, parts of lots or parcels of lands affected, have any building or buildings thereon, actually occupied, the board of public works shall cause written or printed notice, stating the repairs necessary, and requiring such repairs to be made within ten days after the service thereof, to be given to the occupants of such buildings by leaving the same at each of such occupied buildings; and only in case such repairs shall not be made within the said time, shall the said board of public works have power in such cases, to procure the same to be made as provided in this section, and no other or further notice or publica-

tion shall be required in such cases; and provided further, that said board of public works shall have authority to cause necessary and urgent repairs of sidewalks which can be made at a cost not exceeding $3 for any fifty lineal feet of such walk to be made, without giving any such previous notice by publication or otherwise, and without any previous order or resolution in that behalf, and may charge and assess the expense thereof upon the lots, parts of lots and parcels of land in front of which such work may be done, in the manner provided by section 19, of said sub-chapter 7, of said chapter 184, of the laws of 1874.

Relating to nuisances.

SECTION 22. Section 18, of sub-chapter 7, of said chapter 184, of the laws of 1874, amended by section 1, of chapter 80, of of the laws of 1877, is hereby further amended so as to read as follows, to-wit: Section 18. Whenever any nuisance, source of filth, or cause of sickness shall be found on private property, or in the alley in front or rear of such property, the common council may order the owner or occupant thereof, at his own expense, to remove or abate the same within twenty-four hours from the date of the order, or within such time as may be named in said order; and if the owner or occupant shall refuse or neglect so to do, within the time named in said order, then the board of public works shall forthwith cause said nuisance, source of filth, or cause of sickness to be abated or removed at the expense of the lot or tract of land in the front or rear of which, or upon which such nuisance, source of filth or cause of sickness may be found.

Relating to work done by board of public works.

SECTION 23. Section 19, of sub-chapter 7, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows, to-wit: Section 19. In all cases mentioned in section 15, 16, 17 and 18 of this chapter, or in either of said sections, wherein the board of public works are authorized to do any work or cause the same to be done, and to charge or assess the expense thereof upon the lots, parts of lots or parcels of land upon or in front or rear of which such work may be done, the expense of such work shall, in the first place, be defrayed out of the ward fund of the proper ward. It shall be the duty of said board to keep a strict account of the labor expended upon such work in front or rear of each such lot, part of lot or parcel of land, and of the cost thereof, and to make a report to the comptroller monthly, on the first of each month for each ward in said city, stating and certifying the description of the lots, parts of lots or parcels of land, in front or

rear of, or upon which work chargeable thereto under either of said sections, shall have been done by said board, under authority thereof, during the preceding month, the nature of the work so chargeable to each lot or parcel, and the amount actually expended therefor, and the comptroller shall, at the time of making his annual report to the common council of the lots or parcels of land subject to special tax or assessment, required by section 14 of chapter 3 of this act, include therein the said lots or parcels of land so reported to him by said board of public works, with the aggregate amount chargeable thereto, according to such reports, for work done during the preceding year, under said sections 15, 16, 17 and 18, of this chapter; and such amounts shall be levied on the lots or parcels of land respectively, to which they are so chargeable, in like manner as other special taxes are levied in said city; and when collected, the same shall be credited to the account of the ward fund of the ward in which such property is situated.

Relating to purchase of tanks, etc.

SECTION 24. Sub-chapter 7, of said chapter 184, of the laws of 1874, as amended by section 33, of chapter 144, of the laws of 1875, is hereby further amended by adding to said sub-chapter, at the end thereof, the following section, to wit: Section 26. The common council are hereby authorized, in their discretion, to provide for the purchase of tanks, suitable for the sprinkling of streets, to be kept and owned by the city, and may cause the work of sprinkling the streets to be done by men and teams employed for that purpose by the board of public works, and under their direction, using the said sprinkling tanks of the city; and in such case it shall be the duty of the board of public works to keep a strict account of the cost of such sprinkling done in front of each lot or parcel of land, and to make report thereof to the comptroller on or before the 15th day of November in each year, and such cost shall be charged and assessed upon the property in front of which it is done, in like manner as provided in and by section 24 of the sub-chapter hereby amended, as amended by chapter 254 of the laws of 1881.

Sewers necessary to be built.

SECTION 25. Section 7, of sub-chapter 184, of the laws of 1874, as amended by section 3, of chapter 274, of the laws of 1881, is hereby further amended so as to read as follows, to-wit: Section 7. On or before the first day of March in each year, the board of public works shall report to the common council the sewers

necessary, in their judgment, to be built in each district during the current year, in accordance with the plan, stating the precise location and extent of the same, and the kind of material of which they should be composed. The common council shall take such report into consideration, and may approve the same, and make such additions to it, or alterations in it in any respect as to them may seem best, and return the same to the board; and it shall be the duty of the board to carry out the work as directed in the report thus returned from the common council. The board may also, from time to time, during the year, as may be necessary, recommend to the common council the construction of other sewers than those contained in the general report, which recommendation the common council shall take into consideration and return to the board approved, negatived or altered, as may to them seem best, and the board shall carry out the work, as prescribed in the action of the common council; provided, that such board of public works shall, at least five days before the presentation of such recommendation to the common council, give notice by publication in the official paper or papers of the city, stating the day when such recommendation will be presented to the common council, and giving a general description of the proposed improvement and extension. Upon the presentation of such recommendation to said common council with proper proof of publication of the notice above described, the same shall be referred to the appropriate committee, and considered and disposed of in the same manner and under the same rules, as are provided in the case of ordinances or resolutions creating a charge or liability against any city or ward fund; and provided further, that no sewer shall be built or contracted for by the board until the same has been authorized or ordered by the common council.

Amount of money required for sewerage purposes.

SECTION 26. Section 13, of sub-chapter 8, of said chapter 184, of the laws of 1874, as amended by section 84, of chapter 144, of the laws of 1875, is hereby further amended so as to read as follows: Section 13. The board of public works shall report to the common council, on or before the 15th day of December in each year, as accurately as may be, the amount of money required for sewerage purposes for the ensuing year, in each district in addition to the special assessments made; and the common council are hereby authorized to direct the levy and collection of a tax for sewerage purposes in each district, for such amount as may be

necessary, not however to exceed in any one year the sum of one and one-half mills on the dollar, on all the property, real and personal, subject to taxation within any such sewerage district; which tax, so levied, shall, when collected, be paid into the city treasury, and be placed in the fund of the sewerage district in which the same has been collected; and the city comptroller is hereby directed and required to keep a separate and distinct account with each sewerage district. The tax to be levied under the provisions of this section may be added on the tax roll to the general city tax assessed against such property.

Amended.

SECTION 27. Section 6, of sub-chapter 9, of said chapter 184, of the laws of 1874, is hereby amended so that, that part of said section which is in the following words, to wit: "From West Water street in the Fourth ward, to Reed street in the Fifth ward," shall hereafter read "from West Water street in the Fourth ward to Reed street in the Fourth ward."

SECTION 28. Section 7, of sub-chapter 9, of said chapter 184, of the laws of 1874, is hereby so amended that the sentence in said section in the following words, to-wit: "In the valley of the Menomonee river on the Muskego river in the Eighth ward," shall hereafter read "in the valley of the Menomonee river on the Muskego road, in the Eighth ward.

In regard to water rates.

SECTION 29. Section 12, of sub-chapter 10, of said chapter 184, of the laws of 1874, as amended by chapter 261, of the laws of 1881, is hereby amended so as to read as follows, to wit: "Section 12. Regular water rates shall be due and payable on the first days of May and November in each year, semi-annually in advance. To all regular water rates remaining unpaid on the twenty-first day of the month in which they become due, the said collector shall add a penalty of 5 per cent. of the amount of such rates, and if such rates still remain unpaid for ten days thereafter, he shall cause the water to be shut off from the premises, subject to the payment of such delinquent rates, and in all cases where the supply of water shall be shut off as above prescribed, the said collector shall not cause the water to be again turned on to said premises until all delinquent rates and penalties, and the sum of two dollars as expenses for turning off and on the water shall have been paid. Whenever two or more dwellings or tenements or buildings are connected with a street main by one pipe only, the owner or owners of such premises shall provide a separate cut-off for each of

said dwellings, tenements or buildings in such locality as the collector of water rates shall deem most efficient and expedient, and all such cut offs shall be conveniently accessible to and shall be controlled exclusively by the proper officer of the water department. Said collector before each day when such rates become due and payable as aforesaid shall cause a written or printed notice to be mailed or personally delivered to the owner or occupant of all premises subject to the payment of regular water rates, directed to the place where such water is consumed, stating the amount due on the next rate day, the time when and the place where such rates can be paid, and the penalty for neglect of payment. All water rates for water furnished to any building or premises shall be a lien on the lot, part of lot or parcel of land on which such building or premises shall be situated. If any water rates or fractional parts thereof remain unpaid on the first day of October in any year, the same shall be certified by said collector to the city comptroller on or before the first day of November next following, and shall be placed on the tax roll and collected in the same manner as other taxes on real estate are collected in said city.

Relating to laying of water pipes.

SECTION 30. Section 15, of sub-chapter 10, of the said chapter 184, of the laws of 1874, as amended by section 1, of chapter 268, of the laws of 1880, is hereby amended so as to read as follows: Section 15. The board of public works for the city of Milwaukee, before laying water pipe along a street, alley, or other line in said city, shall assess against the several lots, parts of lots or parcels of land which may front or abut on the proposed line of water pipe, or which may be contiguous to and used in connection with any lot or parcel of land so fronting and abutting, the amounts which the said several lots, parts of lots or parcels of land may, in the judgment of the said board, be specially benefited by reason of laying such water pipe, not to exceed, however, the amount prescribed in the next section; provided that no lot, parcel of land or part thereof, shall be subjected to the payment of more than one assessment for water pipe laid in the same street or alley.

Minor water pipes.

SECTION 31. Section 16, of sub-chapter 10, of said chapter 184, of the laws of 1874, as amended by section 2, of chapter 268, of the laws of 1880, is hereby amended so as to read as follows: Section 16. A regular lot (not corner) which may front or abut on the line of water pipe, shall be assessed an amount equal

to one half of the cost, as estimated by the said board of public works, of furnishing and laying a regular minor water pipe of approved materials and manufacture, with the required openings for connections with private service water pipe along the front of such lot; such minor pipe to be not less than four nor more than six inches in diameter, as the said board may determine. Every irregular lot, part of lot, or other parcel of land fronting or abutting on such line of water pipe, and likewise any parcel of land, or lot, which shall be contiguous to any parcel of land, or lot, or part of lot so fronting or abutting, and which in the judgment of the said board is or may be most advantageously used in connection therewith, shall be assessed for such water pipe the amount which, in the judgment of said board, shall be as nearly as may be in just proportion to the amount assessed for regular lots as compared with the special benefits derived by each from the laying of the said water pipes.

Relating to water pipes.

SECTION 32. Section 17, of sub-chapter 10, of said chapter 184, of the laws of 1874, as amended by section 3, of chapter 268, of the laws of 1880, is hereby amended so as to read as follows, to-wit: Section 17. Every corner lot, and every lot, part of lot or parcel of land, which may front or abut on more than one street on which a line of water pipe shall be proposed to be laid, shall be assessed for every such line of water pipe; but the aggregate of the assessment therefor on any such lot or parcel of land, shall be as nearly as may be in just proportion to the amount assessed for regular lots, as compared to the special benefits derived by them respectively, from the laying of such water pipe; and in making such assessment the said board shall take into consideration the situation of such lot or parcel of land, with respect to its different fronts, and all subdivisions thereof by sale, contract, use or occupation in severalty and may assess sub-divisions separately; and may also assess any sub-division of such lot or parcel of land in connection with any other part of such lot or land contiguous thereto and most advantageously used in connection therewith.

Collector of water rates.

SECTION 33. Sub-chapter 10, of said chapter 184, of the laws of 1874, is hereby further amended by adding at the end of said sub chapter 10, the following new section, to-wit: "Section 21. On the third Tuesday of April, 1882, and biennially thereafter, the mayor shall appoint, subject to the confirmation of the common council, a proper person as collector of water

rates, who shall hold his office for two years, and until his successor is appointed and qualified, unless sooner removed for cause. Said collector shall receive a salary at the rate of two thousand dollars per annum from the time he enters upon his duties. He shall have authority to collect and receive all water rates, and give receipts therefor under the direction of the city engineer; he shall have charge of all books and papers relating to the water department, and shall cause the water rates to be duly assessed and listed, and shall also keep proper books of account, and shall account to and pay over to the city treasurer, daily, all moneys which may come into his hands by virtue of his said office. He shall appoint, subject to confirmation by the common council, all subordinate officers connected with the assessment and collection of the water rates in said city, and may require them to give reasonable bonds for the faithful discharge of their official duties. He shall, before entering upon his official duties, as prescribed in this act, take the usual oath of office, and execute a bond to the city of Milwaukee with sufficient sureties, to be approved by the mayor, in the penal sum of ten thousand dollars, conditioned that he will faithfully discharge the duties of his office and account to and pay over to the city treasurer, as required by law, all moneys which may come into his hands by virtue of his said office. The present collector of water rates shall remain in office and discharge the duties of the office of collector until the third Tuesday of April, 1882, and until a collector shall be appointed, under this section, and shall qualify as such, and the present collector shall receive the salary prescribed in this section."

Relating to taxes.

SECTION 34. Section 7, of sub-chapter 11, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows, to-wit: Section 7. A tax upon all of the taxable property, real and personal, in the said city, shall be annually levied and collected, at the same time, and in the same manner as other taxes are levied and collected in said city, sufficient in amount for the following purposes, to wit: to pay the interest and provide for the sinking fund upon the bonds and scrip authorized by and issued under sections 1 and 3 of the act entitled "an act to enable the city of Milwaukee to readjust its corporate debts," approved March 19, 1861, as stipulated and provided in and by section 4 of the same act. Also to pay the annual interest, and to provide the sinking fund upon all bonds of the

said city, issued or to be issued to provide means for the construction of water works for said city, or for other purposes, under and in accordance with the provisions of chapter 406 of the private and local laws of 1871, entitled "an act authorizing the city of Milwaukee to issue bonds," approved March 23, 1871, and the several acts amendatory thereof, as specially stipulated and provided in and by section 11 of said chapter 406. Also to pay the interest on all other bonds of said city, issued, or that may be issued under legal authority, and outstanding according to the terms thereof, and to provide a sinking fund equal to not less than five per centum each year of the principal of such bonds actually issued for the payment of such principal; provided, that this section shall not include or apply to any bonds heretofore issued by said city to any railroad company or companies. The common council shall, on or before the first day of October in each year, determine by resolution the amount of the net revenue or income of the said water works, over and above the the expenses, thereof, which shall be appropriated and applied to the payment of interest on the said water bonds or to the sinking fund for the payment of the principal thereof, and the amount of such net revenue or income, so appropriated in and for any year to the fund for the payment of such interest, or to such sinking fund, may be deducted from the amount of tax to be levied in that year for the payment of the principal or interest of such water bonds.

Secretary of board.

SECTION 35. Section 8, of sub-chapter 12, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 8. The board shall also appoint, biennially, some suitable person to act as secretary of the board, who shall receive a salary not exceeding $1,400 per annum, to be fixed by such board. It shall be his duty to attend the meetings of the board, to keep a record of its proceedings and a full and fair account of all receipts and expenditures of the board, and to do and perform all such other duties as shall be required of him by said board. The secretary of the board shall also take the annual enumeration of the children of school age in the city of Milwaukee required by law, and shall at the same time collect such further statistics and information relating to schools and to the population entitled to school privileges in said city, as may be directed and required by the school board, and he shall receive for such services a compensation or fee of two cents per capita upon

Duties and salary.

the entire enumeration of persons between the ages of 4 and 20, residing in said city, to be audited by the school board, and paid out of the funds provided for the support of the schools.

Duties of secretary.

SECTION 36. Section 10, of sub-chapter 12, of chapter 184, of the laws of 1874, is hereby amended by adding to said section at the end thereof the following words, to-wit: And said secretary shall also make and file with the said comptroller quarterly statements of the condition of the fund for the support of schools, and of the financial transactions of the school board during the three months next preceding such statements.

High school shall be one of the public schools.

SECTION 37. Section 12, of sub-chapter 12, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "Section 12. The said high school shall be one of the public schools of Milwaukee, and as such shall be under the same supervision and control, except as herein provided, as the other public schools of said city. The said board shall have power, and it shall be their duty to employ a principal for said high school, and such other teachers as may be necessary.

Normal class.

SECTION 38. Section 15, of sub-chapter 12, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "Section 15. The school board of the city of Milwaukee are hereby authorized, and it shall be their duty to maintain a normal class and course of study, under competent instructors, for the special training of teachers for the public schools of the city, until the state normal schools proposed to be established in said city shall be fully established and organized, and shall be in actual and practical operation as a school for the training of teachers in said city."

Amount of money required for schools.

SECTION 39. Section 17, of sub-chapter 12, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 17. The school board shall report to the common council of the said city at or before the first meeting of the council in January in each year, the amount of money required for the support of all the public schools of said city, including the high school and normal class, for the next fiscal year; and it shall be the duty of the said common council to levy and collect a tax, in addition to the tax to be levied for general city purposes, upon all the taxable property of the said city, at the same time and in the same manner as other city taxes are levied and collected

by law, which, with the other funds provided for the same purpose, shall be equal to the amount of money required by said school board for the support of said schools; provided, that the said common council may, by the votes of two-thirds of all the members elect, levy a tax for a greater or less amount for such purposes. The said tax and the entire school fund of the city shall not be used or appropriated, directly or indirectly, for any other purpose than the payment of the salaries of the superintendent of schools, the secretary of the board and the teachers, and of the necessary and current expenses of the schools, including the purchase of school supplies, apparatus and fuel.

Moneys to be paid over to treasurer.

SECTION 40. Section 18, of sub-chapter 12, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 18. All moneys received by or raised in the city of Milwaukee for school purposes shall be paid over to the city treasurer to be disbursed by him on the orders of the president and secretary of the school board, countersigned by the city comptroller. Such orders shall be made payable to the order of the person in whose favor they have been issued, and shall be the only vouchers of the city treasurer for payments from the school fund; and the school board shall provide for the purchase and delivery of necessary fuel, apparatus and supplies for the schools of the city in like manner as such purchases are made for other city uses; provided, that the amount expended by the school board shall not exceed the funds provided for these purposes respectively; and the comptroller shall not countersign any orders of the president and secretary of said school board, unless there is a balance in the treasury of the city to the credit of the fund subject to the disposition and control of said board.

In regard to appointment of subordinates.

SECTION 41. Section 4, of chapter 36, of the laws of 1878, entitled "an act relating to the health department of the city of Milwaukee," is hereby amended so as to read as follows: Section 4. The commissioner of health shall have power to appoint, subject to confirmation by said common council, such assistants, clerks, agents and workmen as may be necessary for the proper discharge of his duties, and they shall receive such salary or compensation for their services as said common council may fix. The said commissioner of health shall also have power to appoint from time to time, as they may be needed, temporary special assistants for the purpose of maintaining quarantine under

his direction, over houses and premises in the city in which are persons affected with the small pox or any other pestilential, contagious or infectious disease, subject to quarantine under the ordinances of the city. He shall also have power to cause all children attending private schools in the city, who shall not have been previously vaccinated for the prevention of small pox, to be so vaccinated, and to cause such children, upon refusal to be vaccinated, to be excluded from such private schools.

In regard to insurance.

SECTION 42. Section 7, of sub-chapter 14, of said chapter 184 of the laws of 1874 is hereby amended so as to read as follows: Section 7. No person shall, in said city of Milwaukee, as the agent or otherwise for any individual, individuals, association or corporation, agree to effect, or effect any insurance upon which the duty mentioned in the next preceding section is required to be paid, or as an agent or otherwise procure such insurance to be effected, unless he shall have first executed to said city of Milwaukee and delivered to the comptroller of said city a bond to be approved by such comptroller in the penal sum of five thousand dollars, with sureties to be approved by said comptroller, conditioned that he will render to said comptroller, on or before the first day of February of each succeeding year, a just and true account, verified by his oath that the same is just and true, of all premiums which, during the year ending on the first day of January preceding such report, shall have been received by him, or by any other person for him, or agreed to be paid, for any insurance against loss or injury by fire in said city which shall have been effected, or promised by him, or agreed or promised by him to be effected, from any individual, individuals, association or corporation, and that he will, on such first day of February in each year, pay to the treasurer of said city, for the use of said city, two dollars upon every hundred dollars, and at that rate upon the amount of such premiums.

Penalty for effecting insurance.

SECTION 43. Section 8, of sub-chapter 14, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 8. Every person who shall in said city effect, agree to effect, promise or procure any insurance contrary to the provisions of the preceding section of this chapter, shall forfeit and pay to the city of Milwaukee, for each offense, and for each insurance so effected, or agreed, or promised to be effected, the sum of one hundred and fifty dollars; such sums may be recovered by said city in a civil action, and said city may maintain an action on such

bond, or against such agent, to recover all moneys required by section six of this chapter, to be paid into the city treasury.

Duties of several mentioned officers.

SECTION 44. Section 4, of sub-chapter 15, of said chapter 148, of the laws of 1874, is hereby amended so as to read as follows: "Section 4. The mayor and aldermen, and the harbor master and bridge tenders of the city, and the commissioner of health and his assistants, the meat inspector, and the special assistants appointed by said commissioner of health for quarantine service, while engaged in such service, shall severally and respectively have and exercise, within said city, all the powers of policemen of said city, without any compensation or claim to compensation therefor."

SECTION 45. Section 1, of sub chapter 16, of said chapter 184, of the laws of 1874, is hereby amended by striking out of said section the words "not exceeding $3000 per annum for clerk hire," and inserting in lieu thereof the following words: "such sum each year, for clerk hire, as the common council shall deem to be reasonable," and shall fix or determine by resolution.

Relating to city expenses.

SECTION 46. Section 3, of sub chapter 17, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 3. It shall be the duty of the common council, before the first day of February in each year, to estimate, and by resolution determine what sums, in their judgment, will be required to meet the expenses and disbursements of said city for the current fiscal year, specifying in such resolution the sum required for each of the several funds authorized or created by law; and it shall not be lawful for said city to expend or contract a liability for any sum in excess of the amount so determined, on account of either or any of the funds of said city, except on the written recommendation of some department of the city government, specifying the reasons for such increased expenditure, which must be approved by a vote of three-fourths of the members elect of the common council. No debt or liability on the part of said city shall be contracted or created by any officer, board or department of said city, or by any subordinate or employe in the service of the city, in excess of the amount so determined and approved by the common council, on account of either or any of the funds of the said city, and every officer and employe of the city who shall participate in a violation of this section

shall be personally liable to the city for all loss and damages resulting from such violation.

SECTION 47. Section 11, of sub chapter 17, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 11. The common council may from time to time borrow upon the notes of the city, signed by the mayor and city comptroller, such sums of money, in anticipation of the incoming taxes of the year, as they shall deem necessary to pay accruing interest on the funded debt, and to meet the current expenses of the city. All such notes shall be paid out of the taxes of the current year, at such time as may be agreed on, not later than the first day of February next following their date. And the said common council may provide by resolution at any time for receiving moneys into the city treasury in advance payment of the taxes of the current year, and for the payment of interest thereon, at a rate not exceeding seven per cent. per annum from the time of the receipt of such taxes until the 15th day of January next ensuing, and no longer. The receipts given by the treasurer of the city for such advance payments shall be countersigned by the city comptroller, and the excess of such advances, if any, over the amount of taxes of the year, payable by the party making the same shall be returned to such party with the interest thereon, between the 15th and 31st days of January next, after the making of the same.

Common council may borrow on notes of city.

SECTION 48. Section 16, of sub-chapter 18, of said chapter 184, of the laws of 1874, is hereby so amended as to read as follows, to-wit: Section 16. Such tax roll, before being delivered to the treasurer, shall be compared by the clerk with the assessment rolls on file in his office, as corrected; and said clerk shall cause the several columns of valuations of property, and of taxes and assessments thereon, in said roll, to be footed up and the sum of each column to be set down at the foot thereof, and the sum totals of each ward to be set down at the foot of the last columns of the roll for each ward and a summary of the totals for the several wards and for the whole city to be set down at the end of said tax roll, showing separately the totals of valuations and of taxes and assessments upon real estate and personal property respectively for the whole city and for each ward thereof, and to said tax roll he shall append his certificate that the same has been so compared by him and that the said assessment rolls and the whole thereof have been copied into such tax roll; and the said tax

Relating to tax roll.

roll, when so certified, shall be *prima facie* evidence in any court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Relating to tax roll.

SECTION 49. Section 14, of sub chapter 18, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "Section 14. The city clerk upon receiving such assessment rolls, shall examine and perfect the same, and make out therefrom a complete tax roll, in manner and form as provided by law. Such tax roll may be bound in one or more volumes, but shall be consecutively paged, and such volumes, if more than one, shall be consecutively numbered, and shall be referred to by their numbers in the warrant attached to such tax roll as provided in the next section. The common council shall thereupon, by resolution, levy such sum or sums of money, or taxes, as may be sufficient for the several purposes for which taxes are by law authorized to be levied in said city, not exceeding, however, the amounts authorized by law, particularly specifying in such resolution the purposes for which the same are levied, and if not for general city purposes, the ward or district of the city in or upon which the same are levied."

Amended.

SECTION 50. Section 17, of sub-chapter 18, of said chapter 184, of the laws of 1874, as amended by section 41, of chapter 144, of the laws of 1875, is hereby further amended by adding to said section as so amended the following sub-division: "6. When the tax is levied for, upon, or on account of specific tangible personal property or buildings, not in fact in existence, on the first day of May, in the year of such levy."

In regard to collection of taxes.

SECTION 51. Section 21, of sub-chapter 18, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 21. On the expiration of the twenty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of the personal taxes in the manner provided by law for the collection of personal taxes by town treasurers, and if any such personal taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the said treasurer and his sureties. In case the taxes on personal property shall not be paid by the third Monday of January next following the expiration of said twenty days, the treasurer shall, on or before the first day of March

next following, issue a warrant directed to the chief of police of said city, requiring and commanding him, within a certain time in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid, and the additional sum of one per cent. thereof per month, from the first day of February, to be added to such taxes as then remain delinquent, on the first day of each month, commencing with the first day of March, and continuing until the day of payment. And the chief of police receiving such warrant for the purpose of collecting such unpaid taxes and interest, shall have all the powers of levying, distraining and selling property, and all other remedies and powers that are given by law to town treasurers for the collection of taxes on personal property, and shall be subject to all the liabilities of such town treasurers, and shall be entitled to demand and collect a commission or percentage of five per cent. on all sums collected by him, which percentage shall be added by him to said taxes and monthly additions of one per cent., ond collected with the same and in addition thereto, as compensation for his services, and in case of levy, distress or sale of property by said chief of police in virtue of such warrant, he shall be entitled, in addition to such commission of five per cent., to collect the same costs and fees allowed by law to constables on execution, and all such fees and commissions or percentages shall be paid into the city treasury.

Redemption of land.

SECTION 52. Section 26, of sub-chapter 18, of said chapter 184, of the laws of 1874, is hereby so amended as to read as follows: Section 26. Any lot or tract of land so sold, or any undivided interest therein, may be redeemed by the owner thereof, or by any person interested therein, within three years from the day of sale, and at any time prior to the recording of a deed thereof by the treasurer to the purchaser, by the payment to the treasurer of the amount for which the same was sold, together with the interest thereon, at the rate of 25 per cent. per annum, and the legal charges thereon; and the city treasurer shall receive such redemption money on the same being tendered to him, at any time prior to the recording of the tax deed. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms at any time within one year after such disability shall be removed.

Redemption land.

SECTION 53. Section 27, of sub chapter 18, of said chapter 184, of the laws of 1874, is hereby so amended as to read as follows: Section 27. Any tract or lot

of land sold in pursuance of this act, or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purchaser, or his assigns, as herein provided; and the assignee of any tax certificate by endorsement thereon, on any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser; provided, that it shall not be lawful for the treasurer of the city of Milwaukee to issue tax deeds for taxes unpaid on any lot, or part of lot or parcel of land in said city of Milwaukee, unless three months previous notice, in writing, of the application for such deed, shall have been served by the sheriff of Milwaukee county, upon the occupant or occupants thereof, if the same be occupied, and upon the owner or owners thereof, if known, and the proof of such service, by affidavit, shall be first furnished to, and filed in the office of the city treasurer. Such service may be made personally, or by mailing such notice with the postage prepaid, to each person required to be served therewith, directed to such person, at his place of residence, unless it appears that such resident is not known to the party applying for such tax deed, and cannot, with reasonable diligence, be ascertained by him. Like affidavit of service in either case, shall be made and filed, as is now required by law of the service of summons in civil actions, in this state, and the said sheriff shall be entitled to the same fees for making such service, that are allowed by law for the service of summons in civil actions. No other notice of application for a tax deed shall be necessary in any case than that required in this section, and if the treasurer shall issue any deed for taxes without the foregoing provisions of this section having been complied with, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine of not less than five hundred nor more than one thousand dollars, and by imprisonment in the county jail for a term of not less than six months nor more than one year, and his office shall be deemed vacated.

Report of city treasurer.

SECTION 54. Section 30, of sub-chapter 18, of said chapter 184, of the laws of 1874, is hereby amended by adding to said section, at the end thereof, the following words, to-wit: "The city treasurer shall report to the comptroller on the first day of each month a detailed statement of all his sales and transfers of tax

certificates and of all moneys received by him upon redemption from tax sales during the preceding month, in cases where the certificates of sale were held by him as such treasurer, giving in all cases the dates of such sales and transfers, and of such redemptions respectively, and the amounts received by him therefor in every case."

SECTION 55. Section 31, of sub-chapter 18, of said chapter 184, of the laws of 1874 is hereby amended by striking out the word "relieved," where it occurs in said section, and inserting in place thereof the word "re-levied." Amended.

SECTION 56. Section 2, of sub chapter 20, of said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: Section 2. Whenever any injury shall happen to person or property in said city of Milwaukee, at any place in said city where work of any kind or nature is being done in or on any street or sidewalk by any person or party under contract with said city, or with the board of public works, in the name of the city, in consequence of any neglect or default of such person or party in doing such work or improperly fencing or otherwise guarding such street or sidewalk to prevent accident while such work is going on, such person or party doing such work and guilty of such neglect or default shall be primarily liable for all damages for such injury, and the said city shall not be liable therefor until after all legal remedies shall have been exhausted to collect such damages from such person or party so primarily liable. Injuries received.

SECTION 57. Section 13, of sub-chapter 20, of the said chapter 184, of the laws of 1874, is hereby amended so as to read as follows: "Section 13. The justices of the peace elected in the said city shall not have jurisdiction to hear complaints or conduct examinations or trials in criminal cases within the city; but they may issue warrants in criminal cases, returnable before the municipal court, but no fees shall be received therefor by them." Jurisdiction of justices.

SECTION 58. Sections 9 and 13 of chapter 311 of the laws of 1876; sections 1 and 2 of chapter 80 of the laws of 1877; chapter 268 of the laws of 1880; and chapter 206, chapter 208, chapter 261, and sections 1, 2 and 3, of chapter 65, of the laws of 1881, are hereby repealed. Repealed.

SECTION 59. The alley between lots five (5) and six (6), in block forty (40), in the second ward, and Point street west of Reed street in the fourth ward of Vacated.

said city of Milwaukee, are hereby vacated; provided, that said alley and street at all times be kept accessible to the city for the purposes of water distribution and sewerage.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1882.

[No. 246, A.] [Published April 10, 1882.]

CHAPTER 325.

AN ACT to authorize corporations organized under the laws of this state for the construction of public water works.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of public water works.

SECTION 1. Corporations organized under the laws of this state for the construction of public water works for the supply of villages, cities and the inhabitants thereof with water for protection against fire and for domestic uses are hereby authorized to acquire under the provisions of this act, the title in fee simple to, or easements in or servitudes upon all such real estate, as may be necessary for the construction, maintenance and operation of its water works, and to hold and use the same for the purpose aforesaid.

How easements may be acquired.

SECTION 2. Such real estate or easements therein or servitudes thereon may be acquired and the compensation therefor ascertained and made in the manner prescribed by the sub-division entitled "acquiring lands by the right of eminent domain," of chapter 87 of the revised statutes of this state, entitled "of railroads," and the statutes amendatory thereof.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 31, 1882.

[No. 476, A.] [Published April 13, 1882.]

CHAPTER 326.

AN ACT to amend sub-division 2 of section 3358 of the revised statutes relating to forcible entry and unlawful detainer.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Forcible entry or unlawful detainer.

SECTION 1. Sub-division 2, of section 3358, of the revised statutes is hereby amended to read as follows:

2. When such person holds over without such per-

mission after any default in the payment of rent pursuant to the agreement under which he holds, and three days' notice in writing requiring in the alternative the payment of the rent or the possession of the premises, has been served in behalf of the person entitled to such rent or the person in possession of the same, in manner provided in section 2636 of the revised statutes for the service of a summons, and such notice may be served by the lessor or any person in his behalf.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1882.

[No. 287, A.] [Published April 14, 1882.]

CHAPTER 327.

AN ACT providing for the appointment of a guardian in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2614 of the revised statutes of 1878 is hereby amended by inserting in the first line of the third subdivision of said section after the word "state," where it occurs in said line, the following: "Or if being a resident of this state, he shall be temporarily absent therefrom and so remain for three months," and also by inserting after the word "residence," in the same lines, the words: "Or the place where such infant temporarily absent is living," so that said section when so amended shall read as follows: Section 2614. The guardian shall be appointed as follows: **Appointment of guardian.**

1. When the infant is plaintiff, upon the application of the infant if he be of the age of fourteen years; or if under that age upon application of his general or testamentary guardian, if he has any, or of a relative or friend of the infant. If made by a relative or friend of the infant, notice thereof must first be given to such guardian, if he have one; if he have none then to the person with whom such infant resides. **When plaintiff is an infant.**

2. When the infant is defendant, upon the application of the infant, if he be of the age of fourteen years and apply within twenty days after the service of the summons; if he be under the age of fourteen or neg- **When defendant is an infant.**

lect to so apply, then upon the application of any other party to the action, or of a relation or friend of the infant, after notice of such application being first given to the general or testamentary guardian of such infant, if he have one in this state; and if he have none, then to the infant himself, if over fourteen years of age; or if under that age and within this state, to the person with whom such infant resides.

If not a resident of state.

3. If such infant is not a resident of this state or if being a resident of this state he shall be temporarily absent therefrom and so remain for three months, and his residence, or the place where such infant temporarily absent is living, be known, and that fact shall appear by affidavit to the satisfaction of the court, and it shall further appear that such infant has no general or testamentary guardian in this state, the court may grant an order that notice of an application for the appointment of a guardian for the infant be served upon such infant, if over fourteen years of age, by mailing a copy of said notice and order to such infant, directed to him at his place of residence; if under fourteen years of age, by mailing a copy of such notice and order to the person with whom such infant resides. If the residence of the infant be unknown, the court may grant an order that the service of said notice be made by publication thereof in a newspaper to be designated in such order, as most likely to give notice to such infant, and for such length of time as shall be deemed reasonable, not less than once a week for four weeks successively.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1882.

[No. 329, A.] [Published April 14, 1882.]

CHAPTER 328.

AN ACT to authorize the city of Milwaukee to establish and maintain a public museum in said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City may accept.

SECTION 1. The city of Milwaukee is hereby authorized to receive and accept from "the Natural History Society of Wisconsin,"—a corporation located in the said city of Milwaukee,—a donation of its collection of objects in Natural History and Ethnology, or of the greater part thereof, upon such conditions as may

be agreed upon by and between said city and said society subject, however, to the provisions of this act.

Public museum.

SECTION 2. In case of such donation and acceptance, said city of Milwaukee is hereby authorized and empowered to establish and maintain in said city a free public museum, exhibition of objects in Natural History and Ethnology, and for that purpose to receive, hold and manage the collection so donated, and any devise, bequest or donation that may be made to said city for the increase and maintenance of such museum under such regulations and conditions as are herein contained, or may be agreed upon by and between the donors and said city, or as may be hereafter adopted as provided in this act.

Board of trustees, duties, terms, etc.

SECTION 3. The museum established and maintained under this act shall be under the general management, control and supervision of a board of nine trustees, who shall be styled "The Board of Trustees of the Public Museum of the City of Milwaukee." Said board of trustees shall consist of the president of the school board and the superintendent of schools of said city, ex-officio, of three members of the common council of said city, designated and appointed by the mayor thereof, and of four residents and taxpayers of said city, to be appointed by the mayor as herein provided. The first appointments of trustees by the mayor under this act shall be made within ten days after the formal acceptance by the common council of said city of a donation by said natural history society as authorized in the first section of this act. Of the first three trustees appointed from the members of the common council of said city, one shall be appointed from the three year class, one from the two year class and one from the one year class of aldermen, and they shall serve as such trustees during their respective terms as such aldermen. And annually on the third Tuesday of April thereafter, at the expiration of the term of any such trustee, the mayor shall appoint his successor for three years, from the aldermen then having three years to serve. In case any such trustee shall vacate the office of alderman before the expiration of his term, he shall at the same time cease to be a trustee under this act, and the mayor shall appoint some other member of the common council of his class in his place for the balance of his term. In the appointment of the four remaining trustees, and their successors, the mayor shall prefer such persons as may be recommended for such appointment by said Natural History Society. Such four

trustees first appointed shall, at the first meeting of the board after their appointment, determine by lot their term of service, so that one of their number shall serve for one year, one for two years, one for three years and one for four years, from the third Tuesday of May next after the organization of such board. And all vacancies shall be filled by like appointment of the mayor for the remainder of the term, and annually on the third Tuesday of April a trustee shall be appointed by said mayor in like manner for the term of four years, in place of the trustee whose term shall expire the following May. None of said trustees shall receive any compensation from the City Treasury or otherwise, for their services as such trustees. And no member of said Board of Trustees shall become, or cause himself to become interested, directly or indirectly, in any contract or job for the purchase of any matter pertaining to the museum, or of fuel, furniture, stationery or things necessary for the increase and maintenance of the museum. Said trustees shall take the official oath and be subject to the restrictions, disabilities, liabilities, punishments and limitations prescribed by the law as to aldermen in the said city of Milwaukee.

Meetings of board.

SECTION 4. The first meeting of said Board of Trustees for the purpose of organizing shall be held on the third Tuesday of the month next following their appointment and the city clerk shall give at least one week's previous notice of the time and place of such meeting to each member of such board, in writing. At such first meeting said board shall organize by the choice of one of their number as president to serve until the third Tuesday of May next following and until his successor shall be chosen. The annual meeting of said board shall be held on the third Tuesday of May in each year, and at such meeting a president shall be chosen from their number to serve for one year and until his successor shall be chosen.

Duties of board.

SECTION 5. The board of trustees shall have general care, control and supervision of the public museum, its appurtenances, fixtures and furniture, and of the selection, arrangement and disposition of the specimens and objects appertaining to said museum, and also of the disbursements of all the moneys appropriated for and belonging to the museum fund, in the manner hereinafter provided. And the said board shall adopt, and at their discretion modify, amend or repeal by-laws, rules and regulations for the management, care and use of

the public museum, and fix and enforce penalties for their violation, and generally shall adopt such measures as shall promote the public utility of the museum; provided, that such by-laws, rules and regulations shall not conflict with the provisions of this act.

Secretary of board—term.

SECTION 6. The board of trustees shall at their first meeting, or thereafter as soon as practicable and every five years thereafter, at an annual meeting, elect by ballot a person of suitable scientific attainments, ability and experience for custodian, who shall so act and be ex-officio secretary of said board of trustees. The custodian first appointed shall hold his office for five years from the time of the first annual meeting, unless previously removed, and thereafter the term of appointment shall be for the term of five years, and the compensation of the custodian shall be fixed by said board of trustees. Said board of trustees shall also appoint such assistants and employes for said museum as they may deem necessary and expedient, and shall fix their compensation. All vacancies in the office of the custodian, assistants and other employes shall be filled by said board of trustees, and the persons so elected or appointed shall hold for the unexpired term.

May be removed.

SECTION 7. The custodian elected under this act may be removed from office for misdemeanor, incompetency or inattention to the duties of his office, by a vote of two thirds of the board of trustees; the assistants and other employes may be removed by the board for incompetency or for any other cause.

Further duties of board of trustees.

SECTION 8. It shall be the duty of the board of trustees, within ten days after the appointment of the custodian and other salaried employes, to report and file with the city comptroller a duly certified list of the persons so appointed, with the salary allowed to each, and the time or times fixed for the payment thereof, and they shall also furnish such comptroller with a list of all accounts and bills which may be allowed by said board of trustees, stating the character of the materials or services for which the same were rendered immediately after the meeting of said board at which such allowance shall be made. And said board of trustees shall also, on or before the first day of October in each year, make to the common council a report, made up to and including the 31st day of August of the said year, containing a statement of the condition of the museum, and of the additions thereto during the year, together with such information and suggestions as they may deem important, and such re-

port shall also contain an account of the moneys credited to the museum fund, and expended on account of the same during the year.

Tax to be levied.

SECTION 9. From and after the organization of the board of trustees under this act, the common council of said city shall levy and collect annually upon all the taxable property of the said city, at the same time and in the same manner as other city taxes are levied and collected by law, a special tax, not exceeding one-tenth of a mill upon each dollar of the assessed value of said taxable property, the amount of which shall be determined by said board of trustees, and certified to the common council at the time of making their annual report to said council, and the entire amount of said special tax shall be paid into, and held in, the city treasury, as a separate and distinct fund, to be known as the museum fund, and shall not be used or appropriated directly or indirectly in any other purpose than for the maintenance and for the increase of the public museum, the payment of the salaries of the custodian, assistants and other employes of the museum, the purchase of furniture, fixtures, supplies and fuel, and the incidental expenses of the museum.

Grounds for museum.

SECTION 10. The board of trustees shall erect, purchase, hire or lease buildings, lots, rooms and furniture, for the use and accommodation of said public museum, and shall improve, enlarge and repair such buildings, rooms and furniture; but no lot or building shall be purchased, erected or enlarged for the purpose herein mentioned, without an ordinance or resolution of the common council of said city, and deeds of conveyance and leases shall run to the city of Milwaukee.

Moneys to be paid over to city treasurer.

SECTION 11. All moneys received by or raised in the city of Milwaukee for museum purposes shall be paid over to the city treasurer to be disbursed by him on the orders of the president and secretary of the said board of trustees, countersigned by the city comptroller. Such orders shall be made payable to the order of the persons in whose favor they shall have been issued, and shall be the only voucher of the city treasurer for the payments from the museum fund. The said board of trustees shall provide for the purchase of specimens, supplies, fuel and other matters necessary or useful for the maintenance of the museum; provided, however, that it shall not be lawful for said board of trustees to expend or contract a liability for any sum in excess of the amount levied in any one year, for the museum fund, on account of such fund.

SECTION 12. All moneys, books, specimens and other property received by the city of Milwaukee by device, bequest or gift, from any person or corporation, for public museum purposes, shall, unless otherwise directed by the donors, be under the management and control of said board of trustees; and all moneys derived from fines and penalties for violation of the rules of the museum, or from any other source in the course of the administration of the museum, including all moneys which may be paid to the city upon any policy or policies of insurance, or other obligation or liability, for or on account of loss or damage to any property pertaining to the museum, shall belong to the museum fund in the city treasury, to be disbursed on the orders of the said board of trustees, countersigned by the city comptroller, for museum purposes in addition to the amount levied and raised by taxation for such fund. Gifts to be under control of board.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1882.

[330, A.] [Published April 13, 1882.]

CHAPTER 329.

AN ACT relating to the Natural History Society of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of directors of the Natural History Society of the city of Milwaukee is hereby authorized and empowered, in the name of said association or society, to assign, transfer and convey to the city of Milwaukee, all and singular, the natural historical collections of every kind constituting the museum belonging to said Natural History Society, in trust, to be kept, supported and maintained by said city, as a free museum for the benefit and use of all citizens of said city; provided, the said city shall accept the trust and assume the care and maintenance of such museum. Relating to Natural History Society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1882.

[No. 352, A.] [Published March 13, 1882.]

CHAPTER 330.

AN ACT to authorize the city of Milwaukee to take certain land for a public park.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Public park.

SECTION 1. The common council of the city of Milwaukee is hereby authorized and empowered to purchase block number 53, in the fourth ward of the city of Milwaukee, for the purposes of a public park, the cost thereof and of the improvement thereof to be paid out of the fourth ward fund.

Condemning block.

SECTION 2. Proceedings to condemn said block for public use for the purposes of a public park may be had in the manner now provided by law for taking land, for laying out, extending, enlarging or widening a public square, ground, street or alley in said city; provided, that the cost and expenses thereof, and of the maintenance and improvement of the same, when condemned, shall be paid out of the fourth ward fund, and authority is hereby given to pay for the same out of such fund.

Legal voters shall determine by vote.

SECTION 3. This act shall be void unless the legal voters of the fourth ward of the city of Milwaukee, at the general election to be held in November, 1882, by vote determine to accept the same, and such vote shall be had and returned and canvassed in the same manner as provided in reference to city officers of said city. The tickets which shall be polled upon such questions shall be deposited in a separate box provided for that purpose in each election precinct in said fourth ward and shall contain either the words, "In favor of a public park on block 53, Fourth ward," or "Against a public park on block 53, Fourth ward." If a majority of the votes cast at such election upon such questions be in favor of a public park on block 53, fourth ward, the mayor shall make proclamation of the fact and thereupon this act shall take effect and be in force.

Approved March 31, 1882.

JOINT RESOLUTIONS.

[No. 10, S.]

JOINT RESOLUTION, NO. 1.

In relation to a Judicial Act pending in the Senate of the United States.

PREAMBLE.

As it appears to be an almost unanimous expression of the business and professional men of our nation, that the over-crowded state of the calander of the Supreme Court of the United States, and the desire for more latitude of appeals and speedier decisions in important litigation in the federal tribunals, require and now imperatively demand some remedial federal legislation in the premises; and

WHEREAS, Senator David Davis, late one of the justices of the Supreme Court of the United States, and formerly assigned to, and presiding over a judicial circuit, including the State of Wisconsin, has introduced a bill, now pending in the United States Senate, entitled "a bill to establish a court of appeals," for the purpose of affording relief to the United States Supreme Court, by the creation of intermediate courts of appellate jurisdiction from the judgments and decrees of the Circuit and District Courts of the United States: Be it

Resolved, by the Senate, the Assembly concurring, that the Legislature of the State of Wisconsin, expressing the now well defined wish of the people of the State, desire the passage of said bill, or some bill of like character, by the congress of the United States.

Resolved, that the senators and representatives in Congress, from the State of Wisconsin, be requested to use their influence in favor of, and vote for, such bill, or one of like character.

Further Resolved, that his excellency the Governor of the State be requested to send a certified copy of this preamble and resolution, to Hon. David Davis, President of the United States Senate, by him to be laid before said Senate; and also a copy of the same to each of the senators and representatives in Congress from the State of Wisconsin.

[No. 23, S.]

JOINT RESOLUTION, No. 2.

In relation to the claim of the State of Wisconsin against the United States for swamp and overflowed lands.

WHEREAS, In pursuance of an arrangement entered into be-

tween the Governor of Wisconsin on the part of the State, and the Commissioner of the General Land Office and the Secretary of the Interior on the part of the Government, the plats and field notes of the government survey in the State of Wisconsin have been re-examined and the former selections of swamp lands have been duly revised; and

WHEREAS, In making said revision, it was found that the United States have sold since March 3, 1857, 435,081⅛ acres of land now determined to be swamp lands within the meaning of the act of the 28th day of September, 1850, and as such should have inured to the State of Wisconsin; and

WHEREAS, The department of the Interior, by stipulation dated August 13, 1881, and filed in the general land office, concedes that the State of Wisconsin is entitled to indemnity for the loss of 115,181 and ⅛ acres thereof, but declines to take further action therein, because there is no existing law under which the State can be indemnified; now, therefore,

Resolved by the Senate, the Assembly concurring, That our senators and representatives in Congress be earnestly requested to use their utmost endeavors to secure the early settlement of said claim by the Department of the Interior, and, if necessary, to procure such legislation as they may deem requisite and appropriate to the accomplishment of the object hereinbefore recited.

Resolved, The Governor be and hereby is requested to forward copies of these resolutions and accompanying report to our senators and representatives in Congress.

REPORT OF COMMITTEE.

The Committee on Finance, Banks and Insurance, to whom was referred the Executive Communication to the Legislature dated December 31, 1881, transmitted January 19, 1882, have had the same under consideration, and beg leave to report the following facts:

In addition to the school and swamp lands certified and patented to the State of Wisconsin under the administration of Governor Smith, the claim of the state to the following swamp lands remains unadjusted and requires the further attention of the state departments:

1st. Lands ascertained by the revision of former selections to be swamp lands, but covered by adverse claims: 48,779⅜ acres.

2nd. Swamp lands within the Indian reservations, estimated: 55,000 acres.

3rd. Swamp lands sold by the United States since March 3, 1857, and ascertained by stipulation dated August 13, 1881: 115,181⅛ acres. Total due state, 218,961.

The lands included in the first division are the vacant swamp lands, situated north of the second correction line, which have not

been patented to the state, because they are adversely claimed, as follows: By the land-grant railroad companies, about 30,000 acres; by the Sturgeon Bay Canal Company, 2,500 acres; under the military wagon road grant, 1,591 acres; under the reservoir proclamation and private claims, 14,688⅜ acres. A complete list of these lands has been furnished to the General Land Office by the Land Office Department of this State; there is no question that the State has a prior claim of title to these lands, and it is expected that they will be patented to the State within the present year.

The second subdivision refers to overflowed lands situated within the boundaries of the Indian Reservations in the counties of Shawano, Lincoln, Chippewa, Ashland and Bayfield. The Commissioner of the General Land Office concedes the justice of our claim to these lands, as well as to 5,653.94 acres of school land situated therein. No action has been taken by the State Commissioners of Public Lands to select an equal number of acres of vacant lands in lieu thereof, because the lands within these Reservations are more valuable than any vacant lands which may be selected; and the Commissioners consider it wise to await the probable resumption of the Reservations, in which case the same will be patented to the State.

The recommendation of Governor Smith, that a memorial to Congress be passed requesting legislation to indemnify the State for loss sustained by an imperfect selection of swamp lands, has reference to the third division. The late readjustment of the list of lands within the State, which are actually subject to overflow and properly denominated swamp lands, demonstrated to the satisfaction of the Secretary of the Interior, that the State is equitably entitled, under the provisions of chapter 84, laws of 1850, and chapter 147, laws of 1855, to 115,181⅓ acres of land, in addition to the lists heretofore approved. (See report of Commissioner of General Land Office for 1881, pages 203 and 204, and stipulation filed August 13, 1881, between the State and the government.) The committee declines to express an opinion, whether additional legislation by Congress is necessary to enable the Secretary of the Interior to indemnify the State of Wisconsin for the losses so sustained. The construction of the laws cited, as well as the question whether the statute of limitations affirmed May 12, 1860 (XII Stat. 3), applies to the State of Wisconsin and will bar our claims, may well be left to the decision of our Senators and Representatives in Congress. The committee is, however, of the opinion that the acquisition of 180 sections of land to our Normal School and Drainage Funds, is a matter of sufficient importance to deserve the attention of our delegation in Congress, and have therefore instructed me to report by Jt. Res. No. 23, S., annexed hereto, and to recommend that the same do pass, and when so

passed be transmitted, with copies of this report, to our Senators and Representatives in Congress.

A. FINKELNBURG, *Chairman.*

[No. 20, S.]

JOINT RESOLUTION NO. 3.

Ratifying amendments to section 4 of article VI, section 12 of article VII, and section 1 of article XIII of the constitution of the State of Wisconsin, so as to provide for biennial general elections.

WHEREAS, At the annual session of the legislature of this state for the year 1881, an amendment to the constitution of this state was proposed and agreed to by a majority of the members elected to each of the two houses, which amendment was in the following language:

Resolved by the assembly, the senate concurring, That section 4 of article VI of the constitution of the state of Wisconsin, be so amended as to read as follows:

SECTION 4. Sheriffs, coroners, registers of deeds, district attorneys and all other county officers, except judical officers, shall be chosen by the electors of the respective counties, once in every two years. Sheriffs shall hold no other office and be ineligible for two years next succeeding the termination of their offices; they may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant; but the county shall never be made responsible for the acts of the sheriff. The governor may remove any officer in this section mentioned, giving to such a copy of the charges against him and an opportunity of being heard in his defense. All vacancies shall be filled by appointment, and the person appointed to fill a vacancy shall hold only for the unexpired portion of the term to which he shall be appointed and until his successor shall be elected and qualified.

That section 12, article VII of said constitution, be so amended as to read as follows:

SECTION 12. There shall be a clerk of the circuit court chosen in each county organized for judicial purposes, by the qualified electors thereof, who shall hold his office for two years, subject to removal as shall be provided by law. In case of a vacancy, the judge of the circuit court shall have power to appoint a clerk until the vacancy shall be filled by an election. The clerk thus elected or appointed shall give such security as the legislature may require. The supreme court shall appoint its own clerk, and a clerk of the circuit court may be appointed a clerk of the supreme court.

That section 1, article XIII of said constitution, be so amended as to read as follows:

SECTION 1. The political year for the state of Wisconsin shall commence on the first Monday in January in each year, and the general elections shall be holden on the Tuesday next succeeding the first Monday in November. The first general election for all state and county officers, except judicial officers, after the adoption of this amendment, shall be holden in the year A. D. 1884, and thereafter the general election shall be held biennially. All state, county or other officers, elected at the general election in the year 1881, and whose term of office would otherwise expire on the first Monday of January in the year 1884, shall hold and continue in such offices respectively, until the first Monday in January in the year 1885.

Resolved by the senate, the assembly concurring, That the foregoing amendments to the constitution be and the same are hereby agreed to by this legislature.

[No. 22, S.]

JOINT RESOLUTION NO. 4.

In relation to the swamp and overflowed land fund.

WHEREAS, owing to the excessive floods of the past few years and the consequent damage and distress suffered by the inhabitants and owners of lands adjacent to streams liable to overflow, applications for aid and relief have been made to the legislature in different forms; and

WHEREAS, it may be thought desirable to render such aid and protection as far as practicable, from the swamp and overflowed fund; and

WHEREAS, the condition of said fund and the laws and regulations in relation to the same are not generally well known and understood, and it is not practicable for all interested to make the investigation necessary for full and correct information concerning the same, therefore,

Resolved by the senate, the assembly concurring, that the secretary of state is hereby requested, at as early a day as possible, to collect and cause to be printed copies of the original grant made by the United States government to the state of Wisconsin, of swamp and overflowed lands, and of all the laws of the United States and of this state directly pertaining to this subject, together with all decisions of the department of the interior, and messages of the governors of this state in relation thereto, and also such correspondence between this state and the government of the united States respecting the acceptance and selection of such lands as he shall deem

necessary for a full explanation of the subject. That one thousand copies of this report shall be printed, and each member of this legislature shall be entitled to six copies thereof.

[No. 18, S.]

JOINT RESOLUTION NO. 5.

In relation to suffrage.

WHEREAS, at the annual session of the legislature of this state for the year 1881, an amendment to the constitution of this state was proposed and agreed to by a majority of the members elected to each of the two houses, which amendment was in the following language:

Resolved, by the assembly, the senate concurring, that section 1 of article 3 of the constitution of this state, be amended by inserting after the word "election," where the same occurs in the third line of said section, the words "and in the election district where he offers to vote, such time as may be prescribed by the legislature, not exceeding thirty days," and by adding at the end of said section the words "and provided further, that in incorporated cities and villages, the legislature may provide for the registration of electors, and prescribe proper rules and regulations therefor," so that said section when amended shall read as follows: Section 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote, such time as may be prescribed by the legislature, not exceeding thirty days, shall be deemed a qualified elector at such election. 1. Citizens of the United States. 2. Persons of foreign birth, who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization. 3. Persons of Indian blood, who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding. 4. Civilized persons, of Indian decent, not members of any tribe; provided, that the legislature may at any time extend, by law, the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election; and, provided, further, that in incorporated cities and villages, the legislature may provide for the registration of electors, and prescribe proper rules and regulations therefor.

Resolved, by the senate, the assembly concurring, that the foregoing amendment to the constitution be and the same is hereby agreed to by this legislature.

[No. 31, S.]

JOINT RESOLUTION NO. 6.

Relating to the overflow of Lake Winnebago and the Fox River.

Requesting the governor and attorney general to confer with the government of the United States relative to the overflow occasioned by the dams at the outlets of Lake Winnebago and the unprecedented rainfalls of 1881. In case it becomes necessary that the attorney general take such proceedings in the premises as he may be advised are reasonable and proper

Resolved, by the senate the assembly concurring, that the governor and the attorney general be and are hereby requested to advise and confer with the general government relative to the overflow, occasioned by the dams at the outlets of Lake Winnebago, and to endeavor to induce the government of the United States to take such reasonable action in the premises, as will abate such overflow and prevent in the future, injury to the property around Lake Winnebago, and along the Fox river. The governor and attorney general are requested to confer with the parties directly interested in the matter, to ascertain whether a satisfactory arrangement or agreement can be made whereby the height at which the waters in Lake Winnebago, shall hereafter be maintained, can be determined. And in case the general government declines to take any action, or in case no amicable arrangement can be made by the governor and attorney general, with the parties, that the attorney general may in his discretion take such steps or begin such proceedings in behalf of the state, as he shall be advised are proper, to ascertain whether or no the dams, or either of them, at the outlets of Lake Winnebago, raise the water in Lake Winnebago above its ordinary level, and if so, by what means and authorities the parties owning or maintaining such dams or either of them, at the outlets of Lake Winnebago do maintain them, or either of them, and whether or not, at a height warranted by law or by charter, and to compel the parties owning or maintaining such dams, to comply with the law and the provisions of their charters; provided, that no such actions or proceedings shall be begun until a good and sufficient bond shall be executed by responsible parties with sufficient sureties, conditioned to indemnify and save harmless the state from all expenses, costs and damages by reason of such actions or proceedings, which bond shall be approved by the governor.

MEMORIALS TO CONGRESS.

[No. 1, S.]

MEMORIAL TO CONGRESS NO. 1.

For the establishment of a mail route from Independence in the county of Trempealeau, to Gilmanton, in the county of Buffalo, and the establishment of a tri-weekly mail service.

To the Senate and House of Representavies of the United States, in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That a large number of citizens living between the village of Independence, in the county of Trempealeau, and the village of Gilmanton, in the county of Buffalo, are deprived of mail facilities and are obliged to get their mail from one of these two offices, situated eighteen miles apart. That the only way in which mail can pass between the two places is by a very circuitous route, either by the way of Eau Claire, or by the way of Winona, in the State of Minnesota, and great delay and inconvenience is thereby experienced. That the village of Independence is situated on the line of the Green Bay and Minnesota Railway, and is supplied with mail twice each day; and that by the establishment of a mail route between these two places, the facilities of mail communication would be greatly increased and the public thereby greatly benefited.

Wherefore your memorialists respectfully ask that a mail route be established between the village of Independence, in the county of Trempealeau, and the village of Gilmanton, in the county of Buffalo, and that tri-weekly mail service be placed thereon.

[No. 2, S.]

MEMORIAL TO CONGRESS NO. 2.

For government depositories for the savings of the industrial classes.

To the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialist, the Legislature of the State of Wisconsin, respectfully represents:

That owing to the demonstrated insecurity of many savings

banks, as depositories for the surplus earnings of citizens, public policy and the general welfare, alike combine to demand that Congress should, at the earliest possible period, establish and maintain a postal savings depository, as a branch of the post office department, upon such terms and conditions, and with such safeguards as will best promote the objects contemplated, and enable the industrial classes of the country, at all times to invest their surplus means in either certificates or bonds bearing a low rate of interest, and available as means to depositors whenever redemption is required by them.

Resolved, That the recommendation of Hon. Thomas L. James, late postmaster general, as well as his immediate predecessor, in favor of such a system, indorsed as it is by the President of the United States in his recent message, meets our cordial approval, and the senators and representatives from this State are hereby requested to urge the measure upon their associates and as early as possible press it to a favorable conclusion.

[No. 1, A.]

MEMORIAL TO CONGRESS, NO. 3.

For the improvement of the Mississippi river, its navigable tributaries and connections with the great lakes.

The memorial of the legislature of the state of Wisconsin to the congress of the United States, respectfully represents:

That the improvement of the Mississippi river and its navigable tributaries is a matter of great importance to the people of this state, and one which, in certain of its phases, has received the consideration of the legislature of the state at nearly all of its sessions since about the year 1830, and memorials to congress relating to some phase thereof have been passed by it at not less than thirteen consecutive sessions. The work affects directly many, and indirectly all, of the industries of the state. For passing to market the great lumber product of the state, its importance is direct and immediate, and so is it direct and immediate so far as relates to the commerce which ultimately shall pass between the valley of the Mississippi and the lakes and seaboard, through northern mouths of the Mississippi, one of which across this state, already undertaken by the general government, is nearly completed, or shall pass to the seaboard by way of the gulf; but its importance is greatest, although indirect, in relation to the greater commerce which by all channels, rail and water, shall pass between the east and west, by causing a reduction of the freight charges thereon to approximately water rates, thus benefiting alike the producer and consumer, the western farmer and the eastern manufacturer, and furnishing exports for the markets of the world,

which otherwise valueless, would waste upon the plains of the west.

The resolutions of the convention held at Davenport in May, 1881, and at St. Louis, in October, 1881, as finally adopted, indicate the great importance of the work, and the manner in which it should be carried on. Appropriations sufficiently large to render permanent work practicable and justify the expectation of an early completion of at least parts of the great work, are, we think, demanded by the needs and wishes of the people of this state.

Be it resolved, the senate concurring, that the governor be, and he is hereby, requested to subscribe and forward this memorial to the president and vice-president of the United States, the speaker of the house of representatives and to each of our senators and representatives in the congress of the United States.

[No. 2, A.]

MEMORIAL TO CONGRESS, NO. 4.

For an appropriation for a harbor of Refuge on the eastern shore of Lake Pepin, near the village of Stockholm.

To the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That there is not at the present time any harbor or protection, to shipping or commercial interest, either natural or artificial, at any point on the eastern shore of lake Pepin. That a very large business, by boats, crafts, log and lumber rafts, is annually transacted on said lake, and that the same is annually damaged many thousands of dollars, and the commerce and trade of the entire upper Mississippi river greatly impaired, by the lack of some place of refuge and safety from the wind and storms frequent upon said body of water. That the estimated cost of the construction of a harbor, near Stockholm, which will furnish perfect safety, and of sufficient capacity to accommodate all interests, shipping and of commerce, is two hundred thousand dollars, as made by United States Engineer, Capt. McKenzie.

Therefore, your memorialist respectfully requests that an appropriation be made by the present congress for the construction of such harbor.

[No. 8, S.]

MEMORIAL TO CONGRESS, NO. 5.

To suppress and punish polygamy.

To the Senate and House of Representatives of the United States, in Congress assembled:

Your Memorialist the legislature of the state of Wisconsin respectfully represents:

WHEREAS, the chief aim, purpose and end of human government should be the promotion of morality and the intellectual culture and development of true man and womanhood; any pretense, practice or custom of any body, religious or otherwise, in conflict with this primary object is a violation of natural law and properly a subject for repression and punishment. That freedom of religious opinion and the right of conscience relate to spiritual matters only, and cannot lawfully be urged as a gratification for acts or practices inconsistent with the great ends of society. The thug may not successfully plead in defense of murder, that his creed commands him to kill; the assassin, that he was divinely inspired; the thief, that he had a predisposition to larceny, the drunkard an unappeasable appetite, or the lecherous, the force of animal passions.

The right of society to protect itself against injury is supreme over all creeds and pretenses injurious to the moral and mental welfare of the citizen, and it may justly enforce any measures necessary to that end. That polygamy, polyandry and prostitution wherever and in whatever form they are tolerated, tend directly to the moral, mental and physical degradation of the race.

Nations permitting such customs are intellectually dwarfed and physically inferior to those who have established and enforced monogamus relations between the sexes; nor can any people which permits the degradation of womanhood ever rise above a condition of mediocrity; such is the teaching of all history and experience.

License and licentiousness are not liberty, nor can bad or degrading practices be elevated to the dignity of religious life. That when a local or territorial government is seized upon, by a church organization and prostituted to defeat the ends for which it was created, it is the right and duty of congress to destroy it, and substitute in its place any other form that will most certainly meet the needs of society at large. That to submit to a jury of known offenders the question of their own guilt, or of one of their creed, is a mockery of justice, too broad a farce to be longer tolerated, since oaths and laws are alike defied under the pretense of religion and conscience.

That fractionally-wived women should be held and treated as prostitutes, and polygamous men as bigamists or lechers, and a

plea of religious belief for such offenses should be made a felony and punished accordingly. Therefore,

Resolved, as the sense of the legislature of Wisconsin, that as the territorial government of Utah has been in fact seized upon by the church usually called "Mormon," and as it has been able to control a majority of electors in said territory favorable to permitting the objects to which it was created, and prohibiting its powers to the protection of crime and the degradation of citizens, t is the right and duty of congress to so alter the form and plan of government as will effectually meet the evils to be remedied, and to enforce reform, by adequate remedies, and that the constant reinforcement of this so called religious organization, by the sweepings of America and Europe should be legally discouraged if not directly prohibited.

[No. 6, S.]

MEMORIAL TO CONGRESS NO. 6.

Relating to Sturgeon Bay Ship Canal.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the interests of the commerce of the States of Wisconsin, Illinois and Michigan, passing in and out of Green Bay and the Fox and Wisconsin rivers and their tributaries, require the proper maintenance of the Sturgeon Bay ship canal; that it seems to us most desirable that the United States government have full control of all the waters of such large and necessary traffic and commercial importance both in times of war and times of peace, and that the interests of the general commerce of the lakes and the welfare of the United States, demand that said canal be kept free for all navigation; that the said canal, together with the harbor improvements now maintained and projected by the general government, forms a very necessary harbor refuge for the commerce of lake Michigan: Therefore your memorialist would respectfully ask that the United States government take said Sturgeon Bay ship canal upon such terms as are just and proper, and maintain the same for free and common navigation.

Resolved, That the Governor of this State be requested to transmit the foregoing memorial to the two houses of Congress, and to send a copy thereof to the Governors of the several States of Illinois and Michigan.

[No. 5, A.]

MEMORIAL TO CONGRESS, NO. 7.

For the establishment of a mail route between the city of Lancaster and village of Cassville in Grant county, Wisconsin.

To the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the legislature of the state of Wisconsin respectfully represents:

That a large number of citizens living between the city of Lancaster and the village of Cassville, especially at Hurricane Grove and Burton, in the county of Grant and state of Wisconsin, are deprived of proper mail facilities by reason of having but one mail per week, which is wholly inadequate to the wants of the public. Wherefore your memorialist respectfully asks that a mail route be established between the said city of Lancaster and village of Cassville, via Hurricane Grove and Burton, and that tri-weekly service be placed thereon.

[No. 4, S.]

MEMORIAL TO CONGRESS NO. 8.

Praying that the lands belonging to the United States within the limits of State Park of Wisconsin, be given to the State of Wisconsin for park purposes.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the rapid destruction of the forests of northern Wisconsin, especially along the rivers and water courses, has already seriously affected the navigability of those rivers, rendering them liable to closely following alternations of extreme low water and devastating floods.

That all the rivers of Wisconsin have their sources in the extreme northern part of the State, in or near the Wisconsin State Park, where thousands of small lakes, fed by living springs, closely connected by narrow channels and protected from evaporation by the yet unbroken forests, form the reservoir from which the water system of our state receives an unvarying supply.

That the State of Wisconsin, recognizing the necessity for protecting the forests surrounding the sources of her rivers, by chapter 324 of the laws of the State of Wisconsin for the year 1878, dedicated and set apart as a State Park all the lands belonging to the State of Wisconsin, lying in townships forty (40), forty one (41),

forty-two (42), forty-three (43), and forty-four (44) north, of range four (4), five (5), six (6), seven (7), eight (8), east of the fourth principal meridian in the State of Wisconsin.

That there is within the limits of the State Park a quantity of land still belonging to the United States, the sale or conveyance of which for private purposes would seriously impair the protective measures taken as aforesaid.

Your memorialist therefore respectfully asks that the public lands belonging to the United States within the towns above described be granted to the State of Wisconin, to be kept as a State Park forever.

CERTIFICATE.

STATE OF WISCONSIN, }
DEPARTMENT OF STATE. } ss.

I, ERNST G. TIMME, Secretary of State, of the State of Wisconsin, do hereby certify that the foregoing copies of laws, joint resolutions and memorials have been compared by me with the original enrolled acts, joint resolutions and memorials deposited in this office, and that they appear correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the lesser seal of the state, at the capitol, in the city of
[L. S] Madison, this 7th day of June, A. D. 1882.

ERNST G. TIMME, Secretary of State.

STATEMENT

PREPARED IN ACCORDANCE WITH SEC. 2425, R. S., SHOWING THE NAMES AND POST OFFICE ADDRESS OF THE CIRCUIT JUDGES, AND TIMES AND PLACES FOR HOLDING CIRCUIT COURTS, IN THE SEVERAL COUNTIES OF WISCONSIN.

FIRST CIRCUIT.

JUDGE — JOHN T. WENTWORTH — RACINE.

Term expires first Monday of January, 1884.

COUNTIES.	TERM.	WHERE HELD.	LAWS.
Walworth	2d Monday in February ..... 2d Monday in June..... 2d Monday in September	Elkhorn	Ch. 32, 1879.
Racine	2d Monday in March ..... 3d Monday in June..... 2d Monday in October.....	Racine	Ch. 32, 1879.
Kenosha.....	2d Monday in April ..... 1st Monday in August..... 2d Monday in November	Kenosha	Ch. 32, 1879.

No jury shall be summoned for either of the terms to be held in this circuit in the months of June or August. Each term in this circuit shall also be a special term for the whole judicial circuit. —*Chapter* 32, *Laws of* 1879.

SECOND CIRCUIT.

JUDGE — CHARLES A. HAMILTON, MILWAUKEE.

Term expires first Monday of January, 1883.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Milwaukee ...	2d Monday in January.. ..... 1st Monday in May..... 4th Monday in June..... 1st Monday in October.....	Milwaukee.....	Sec. 2121, R. S.

No jury shall be summoned for either of the terms to be held in this circuit in the month of June. Every term in the circuit shall be a special term for the whole judicial circuit. — *Section* 2424, *Revised Statutes*.

THIRD CIRCUIT.

JUDGE—DAVID J. PULLING, OSHKOSH.

Term expires first Monday of January, 1885.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Calumet.....	1st Monday in January ..... 3d Monday in May.....	Chilton.....	Ch. 140, 1882.
Green Lake....	3d Monday in January..... 1st Monday in June.....	Dartford.....	Ch. 140, 1882.
Winnebago....	Monday next after the first Tuesday in April ..... 2d Monday in November	Oshkosh.....	Ch. 140, 1882.

Every term in the circuit shall also be a special term for the whole judicial circuit.—*Section 2434, Revised Statutes.*

At any special term of the circuit court in the third judicial circuit of this state, any and all business may be done, arising in any county of said circuit, which might be done at a general term, except the trial of issues of fact by a jury.—*Chapter 92, Laws* 1879.

The circuit court of the county of Winnebago shall be deemed to be open for the transaction of business from the commencement of one regular term to the commencement of another, and an adjournment of the term from day to day shall not be necessary to the validity of any proceeding therein.—*Section* 1, *Chapter* 61, *Laws* 1879.

FOURTH CIRCUIT.

JUDGE—NORMAN S. GILSON, FOND DU LAC.

Term expires first Monday of January, 1887.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Sheboygan	3d Monday in April ..... 4th Monday in September.....	Sheboygan	Ch. 63, L. 1881.
Manitowoc	Tuesday after 2d Monday in January. Tuesday after 1st Monday in June ...	Manitowoc	Ch. 63, L. 1881.
Kewaunee.....	1st Monday in May..... 3d Monday in October.....	Kewaunee.....	Ch. 63, L. 1881.
Fond du Lac ..	Tuesday after 1st Monday in March .. Tuesday after 2d Monday in Nov.....	Fond du Lac.....	Ch. 63, L. 1881.

Every general term in the counties of Fond du Lac, Sheboygan and Manitowoc, shall be a special term for the whole judicial circuit, at which any and all business may be done arising or pending in any county of said circuit, which might be done at a general term for the county in which such business arises, or is pending, except the trial of issues of fact by a jury. In the county of Fond du Lac, special terms for the whole circuit shall be held on Tuesday after the third Monday in February, and Tuesday after the first Monday in July, at which special terms any and all business may be done arising or pending in any county of said circuit, which might be done at a general term for the county in which such business arises or is pending, not requiring the intervention of a jury.—*Chapter* 63, *Laws* 1881.

FIFTH CIRCUIT.

JUDGE—MONTGOMERY M. COTHREN, MINERAL POINT.

Term expires first Monday of January, 1883.

JUDGE—GEORGE CLEMENTSON, LANCASTER.

Term begins first Monday of January, 1883, *ends first Monday of January*, 1889.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Grant	1st Tuesday in February 1st Tuesday in September	Lancaster	Sec. 2424, R. S. Ch. 43, L. 1879.
Iowa	4th Tuesday in March 1st Tuesday in October	Dodgeville	Sec. 2424, R. S.
La Fayette	4th Tuesday in June 1st Tuesday in December	Darlington	Sec. 2424, R. S.
Richland	2d Tuesday in April 4th Tuesday in October	Richland Center	Sec. 2424, R. S.
Crawford	4th Tuesday in May 2d Tuesday in November	Prairie du Chien	Sec. 2424, R. S.

Every term in each of said counties shall be a special term for the whole circuit.—*Sec.* 2421, *R. S.*

SIXTH CIRCUIT.

JUDGE—ALFRED W. NEWMAN, TREMPEALEAU.

Term expires first Monday of January, 1889.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Clark	1st Monday in March 1st Monday in September	Neillsville	Ch. 35, L. 1881.
Jackson	3d Monday in March 3d Monday in September	Black River Falls	Ch. 35, L. 1881.
La Crosse	2d Monday in May 2d Monday in November	La Crosse	Ch. 35, L. 1881.
Monroe	1st Monday in April 1st Monday in October	Sparta	Ch. 35, L. 1881.
Trempealeau	2d Monday in June 2d Monday in December	Whitehall	Ch. 35, L. 1881.
Vernon	4th Monday in April 3d Monday in October	Viroqua	Ch. 35, L. 1881.

Every general term in the counties of La Crosse, Monroe, Jackson and Trempealeau shall also be a special term for the whole judicial circuit. At any special term of said court herein provided for, any and all business may be done arising in any county of the circuit, which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*, and excepting, also, the trial of issues of fact in actions made local by law, and arising in some county other than the one in which such special term shall be held.—*Section* 1, *Chapter* 35. *Laws* 1881.

SEVENTH CIRCUIT.

JUDGE — GILBERT L. PARK, STEVENS POINT.

Term expires first Monday of January, 1885.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Portage	1st Tuesday in March 2d Tuesday in November	Stevens Point	Sec. 2424, R.S.
Marathon	2d Tuesday in April 2d Tuesday in October	Wausau	Ch. 179, L. 1882.
Waupaca	2d Tuesday in January 4th Tuesday in May	Waupaca	Sec. 2424, R.S.
Wood	1st Tuesday in May 1st Tuesday in December	Grand Rapids	Ch. 159, L. 1881.
Waushara	4th Tuesday in March 4th Tuesday in September	Wautoma	Sec. 2424, R.S.
Lincoln	3d Tuesday in February 4th Tuesday in September	Merrill	Ch. 187, L. 1882.
Price	Last Tuesday in January Last Tuesday in August	Phillips	Ch. 34 L. 1883.
Taylor	1st Tuesday in February 1st Tuesday in September	Medford	Sec. 2424, R.S.

The first term of court for Price county shall be held in the court house in Phillips, in said county, on the last Tuesday in August, 1883.—*Chapter* 34 *Section* 2. *Laws* 1883.

Each and every general term of the circuit court held in the counties of Marathon, Portage, Waupaca and Wood, shall be special terms for the whole seventh judicial circuit. At any special term of said court herein provided for, any and all business may be done arising or pending in said circuit, or any of the counties therein, which might be done at any general term, except the trial of issues of fact.—*Chapter* 9, *Laws* 1879.

EIGHTH CIRCUIT.

JUDGE — EGBERT B. BUNDY, MENOMONIE.

Term expires first Monday of January, 1885.

COUNTIES.	TERMS.	WHERE HELD	LAWS.
Buffalo	4th Monday in February 4th Monday in October	Alma	Ch. 52, 1879.
Dunn	2d Monday in March 2d Monday in September	Menomonie	Ch. 52, 1879.
Eau Claire	4th Monday in March 4th Monday in September	Eau Claire	Ch. 52, 1879.
Pepin	3d Monday in April 3d Monday in October	Arkansaw	Ch. 52, 1879,
Pierce	2d Monday in June 2d Monday in December	Ellsworth	Ch. 52, 1879.
St. Croix	2d Monday in May 3d Monday in November	Hudson	Ch. 52, 1879.

I hereby appoint special terms of said court to be held in each year at the times and places hereinafter named, viz.: At Eau Claire, Eau Claire county, on the first Monday of January; at Hudson, St. Croix county, on the third Monday of February; at Menomonie, Dunn county, on the first Monday of July; at River Falls, Pierce county, on the first Monday of September.—*Order of Judge Bundy, issued in compliance with the provisions of chapter* 52, *Laws* 1879.

Every general term of the eighth judicial circuit shall be a special term for the whole circuit. At any special term of said court herein provided for, any and all business may be

done arising in any county of the circuit which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*, and excepting also the trial of issues of fact in actions made local by law and arising in some county other than the one in which such special terms shall be held.— *Chapter* 292, *Laws* 1881.

NINTH CIRCUIT.

JUDGE—ALVA STEWART, PORTAGE.

Term expires first Monday of January, 1885.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Adams.....	3d Tuesday in January..... 2d Tuesday in June	Friendship	Sec. 2424, R. S.
Columbia.....	2d Tuesday in May..... 2d Tuesday in December.....	Portage.....	Sec. 2424, R. S.
Dane	Monday after 1st Tuesday in April... 2d Tuesday in July..... 2d Monday in November	Madison.....	Sec. 2424, R S.
Juneau	2d Monday in March..... 3d Monday in October.....	Mauston.	Ch. 206, L. 1879.
Sauk	3d Monday in March..... 3 i Monday in September.....	Baraboo	Ch. 125, L. 1882.
Marquette	Tuesday after first Monday in January Tuesday after third Monday in June.	Montello	Ch. 238, L. 1881.

Every term in the counties of Dane and Columbia shall also be a special term for the whole judicial circuit. No jury shall be summoned for the term in July for Dane county.— *Section* 2424, *Revised Statutes*.

TENTH CIRCUIT.

JUDGE—GEORGE H. MYERS, APPLETON.

Term expires first Monday of January, 1886.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Brown.....	1st Monday in April ..... 1st Monday in October ..... 4th Monday in January (special).....	Green Bay.....	Sec. 1, chapter 3, 1882.
Door	Tuesday after 3d Monday in February Tuesday after 3d Monday in July .. .	Sturgeon Bay.....	Sec. 2424, R. S.
Langdale	Last Monday in March..... Tuesday after 1st Monday in Septem'r	Antigo.....	Sec. 1, chapter 3, 1882.
Marinette	2d Monday in March..... . ..... 2d Monday in November	Marinette	Sec. 1, chapter 3, 1882.
Oconto	3d Monday in May ..... 3d Monday in September	Oconto	Sec. 1, chapter 3, 1882.
Outagamie	1st Monday in June ..... 1st Monday in December....	Appleton	Sec. 1, chapter 3, 1882.
Shawano	Tuesday after 2d Monday in January Tuesday after 1st Monday in July....	Shawano.....	Sec. 1, chapter 3, 1882.

Every general term in the counties of Marinette, Oconto, Brown and Outagamie shall be a special term for the whole judicial circuit. . . . In the county of Brown, a special term for the whole circuit shall be held on the 4th Monday in January.— *Chapter* 3, *laws of* 1882.

ELEVENTH CIRCUIT.

JUDGE — SOLON H. CLOUGH, SUPERIOR CITY.

TO FILL VACANCY — *Term expires first Monday in January*, 1883.

SIX YEARS — *Term expires first Monday of January* 1883.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Ashland.....	Tuesday next succeeding 3d Monday of July ..... Tuesday next succeeding 3d Monday in January	Ashland.....	Ch. 90, L. 1882.
Barron	Tuesday next succeeding 4th Monday of April ... . Tuesday next succeeding 4th Monday of September.....	Barron.....	Ch. 90, L. 1882.
Bayfield	Tuesday next succeeding 3d Monday of July ..... Tuesday next succeeding 2d Monday of January	Bayfield	Ch. 90, L. 1882.
Burnett.....	Tuesday next succeeding 3d Monday of April .. .. Tuesday next succeeding 2d Monday of September	Grantsburg.....	Ch. 90, L. 1882.
Chippewa	Tuesday next succeeding 1st Monday of May .... Tuesday next succeeding 1st Monday of October.....	Chippewa Falls ..	Ch 90, L. 1882.
Douglas	4th Monday in June .... 3d Monday in December	Superior.....	Ch. 90, L. 1882.
Polk...	Tuesday next succeeding 2d Monday in June..... . ..... Tuesday next succeeding 1st Monday of December	Osceola Mills	Ch. 90, L. 1882.

Every general term of said circuit court in the counties of Ashland, Chippewa and Polk, of said circuit, shall also be special terms for the whole of said circuit, and all actions, motions or proceedings, or other business now pending or which may hereafter arise in any or either of the counties of said circuit, and not requiring a jury, may be brought on, heard, tried and determined, or otherwise acted upon or disposed of at any or either of said special terms in the same manner and with the same force and effect as if the same were brought on or heard, tried or determined, or otherwise acted upon or disposed of in the county wherein the same are now pending or may hereafter arise; and when any cause or matters are pending in either of the counties, different from the county in which the special term is held, the clerk of the court where the special term is held shall transmit all orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending. The said papers shall be filed or entered by said clerk in the same manner as if said cause had been heard or determined by the circuit court at a term thereof held in that county; and all orders, proceedings or judgments made in pursuance of this act, shall have the like force and effect as if made in the county where such cause or matters are or may be pending, and no notice of the holding of such special term shall be required other than the passage and publication of this act. — *Chapter* 90. *Section* 2, *Laws of* 1882.

TWELFTH CIRCUIT.

JUDGE—JNO. R. BENNETT, JANESVILLE.

Term expires first Monday of January, 1889.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Rock	4th Monday in January 4th Monday in April Wednesday after the first Monday in November	Janesville	Sec. 2424, R. S.
Green	1st Tuesday in March 3d Tuesday in June 1st Tuesday in October	Monroe	Sec. 2424, R. S.
Jefferson	1st Monday in February 2d Tuesday in June 1st Monday in September	Jefferson	Sec. 2424, R. S.

No jury shall be summoned for either of the terms in this circuit appointed to be held in the months of January and June. Every term in this circuit shall also be a special term for the whole judicial circuit.—*Section 2424, Revised Statutes.*

THIRTEENTH CIRCUIT.

JUDGE—A. SCOTT SLOAN, BEAVER DAM.

Term expires first Monday of January, 1888.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Dodge	4th Tuesday in September 2d Tuesday in February	Juneau	Ch. 55, L. 1882.
Ozaukee	1st Tuesday in September 1st Tuesday in March	Port Washington	Ch. 55, L. 1882.
Washington	3d Tuesday in October 3d Tuesday in March	West Bend	Ch. 55, L. 1882.
Waukesha	1st Tuesday in December 4th Tuesday in May 4th Tuesday in August, *Special* 1st Tuesday in February, *Special*	Waukesha	Ch. 55, L. 1882.

All writs, summons, recognizances, process, informations, motions, orders to show cause, and all jurors summoned to attend, and all notices of trial, notes of issue, and all other proceedings returnable at, pending and to be heard in said circuit court for Washington county, on the third Monday in March, 1882, the day heretofore fixed as the first day of the term in said county of Washington, shall be, and shall be held to be, returnable to, set for hearing, summoned to attend and noticed for trial on the third Tuesday in March, 1882, and shall be answered unto, heard, tried, determined and disposed of, and the jurors shall attend, on said third Tuesday of March, 1882, the same as if in terms returnable to, set for hearing, summoned to attend, or noticed for trial on said last named day.—*Section 3, chapter 55, laws of 1882.*

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